3118. By Mr. O'CONNELL of New York: Petition of the Chamber of Commerce of the State of New York, favoring the reduction of passport fees; to the Committee on Ways and Means.

3119. Also, petition of the Chamber of Commerce of the State of New York, opposing the child labor amendment to the Federal Constitution; to the Committee on the Judiciary.

SENATE

TUESDAY, *December 9, 1924*

(Legislative day of Monday, December 8, 1924)

The Senate met at 12 o'clock m., on the expiration of the recess.

PETER NORBECK, a Senator from the State of South Dakota, appeared in his seat to-day.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ball	Fess	King	Ransdell
Bayard	Fletcher	Ladd	Reed, Mo.
Borah	Frazier	McKellar	Robinson
Brookhart	George	McKinley	Sheppard
Broussard	Gerry	McLean	Shipstead
Bruce	Glass	McNary	Shortridge
Bursum	Gooding	Mayfield	Smith
Butler	Greene	Means	Smoot
Capper	Hale	Metcalf	Spencer
Copeland	Harreld	Moses	Stanfield
Couzens	Harris	Neely	Sterling
Cummins	Harrison	Norbeck	Swanson
Curtis	Heflin	Norris	Trammell
Dial	Howell	Oddie	Underwood
Dill	Johnson, Calif.	Overman	Wadsworth
Edge	Johnson, Minn.	Owen	Walsh, Mass.
Edwards	Jones, N. Mex.	Pepper	Warren
Ernst	Jones, Wash.	Phipps	Wheeler
Fernald	Kendrick	Pittman	Willis
Ferris	Keyes	Ralston	

Mr. HARRISON. I wish to announce, and let the announcement stand for the day, that my colleague [Mr. STEPHENS] is unavoidably absent on account of illness.

The PRESIDENT pro tempore. Seventy-nine Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 116. An act to amend section 196 of the Code of Law for the District of Columbia; and

S. 933. An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia.

The message also announced that the House had passed a bill (H. R. 8410) to change the name of Third Place NE. to Abbey Place, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1343) to authorize the widening of Fourth Street, south of Cedar Street NW., in the District of Columbia, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

REPORT OF THE GENERAL ACCOUNTING OFFICE

The PRESIDENT pro tempore laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the General Accounting Office for the fiscal year 1924, which was referred to the Committee on Appropriations.

SETTLEMENT OF SHIPPING BOARD CLAIMS

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, pursuant to law, a report of the arbitration awards or settlements of claims agreed to since the previous session of Congress by the United States Shipping Board and/or the United States Shipping Board Fleet Corporation, which was referred to the Committee on Appropriations.

REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the twenty-seventh annual report of the National Society of the Daughters of the American Revolution covering the period from March 1, 1923, to March 1, 1924, which was referred to the Committee on Printing.

REPORT OF SUPERINTENDENT OF HOSPITAL FOR THE INSANE

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the Superintendent of the Government Hospital for the Insane showing in detail receipts and expenditures for all purposes connected with the hospital for the preceding fiscal year, which was referred to the Committee on the District of Columbia.

REPORT OF THE COMMISSIONER OF RECLAMATION

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmittting, pursuant to law, the annual report of the Bureau of Reclamation for the fiscal year 1924, which was referred to the Committee on Irrigation and Reclamation.

WIDENING OF FOURTH STREET IN THE DISTRICT

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1343) to authorize the widening of Fourth Street, south of Cedar Street NW., in the District of Columbia, and for other purposes, which was, on page 2, line 5, to strike out the word "less" and to insert in lieu thereof the word "more."

Mr. BALL. I ask unanimous consent that the Senate concur in the amendment of the House.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senate concurs in the House amendment.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a communication from Santiago Iglesias, a senator of Porto Rico, containing an extract from the proceedings of the recent convention of the American Federation of Labor at El Paso, Tex., relative to political conditions in Porto Rico, which was referred to the Committee on Territories and Insular Possessions.

Mr. JONES of Washington presented numerous petitions of sundry citizens in the State of Washington, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented a resolution of the Kansas City (Kans.) Chamber of Commerce, favoring the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. WILLIS presented sundry memorials and letters and telegrams in the nature of memorials of citizens and organizations in the State of Ohio, remonstrating against the ratification of the so-called Hay-Quesada treaty proposing to cede the Isle of Pines to Cuba, which were referred to the Committee on Foreign Relations.

Mr. FESS presented memorials of sundry citizens of Cleveland, Madisonville, and Lorain, all in the State of Ohio, remonstrating against the ratification of the so-called Hay-Quesada treaty proposing to cede the Isle of Pines to Cuba, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Cincinnati and vicinity, all in the State of Ohio, praying that the law enacted in June, 1922, relative to the pay of commissioned chief and warrant officers of the Navy be amended so that the pay of these officers may remain the same as prior to June, 1922, which was referred to the Committee on Naval Affairs.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 3608) granting an increase of pension to Sarah C. Quinn (with accompanying papers); and

A bill (S. 3609) granting an increase of pension to Louise B. Fuller (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Missouri:

A bill (S. 3610) authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.; and

A bill (S. 3611) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.; to the Committee on Commerce.

By Mr. HALE:

A bill (S. 3612) granting an increase of pension to Lydia A. Howe (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3613) to provide for retirement for disability in the Lighthouse Service; to the Committee on Commerce.

By Mr. HARRELD:

A bill (S. 3614) for the erection of a public building at Holdenville, Hughes County, Okla.; to the Committee on Public Buildings and Grounds.

A bill (S. 3615) for the relief of John O'Brien; to the Committee on Military Affairs.

A bill (S. 3616) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. BURSUM:

A bill (S. 3617) granting an increase of pension to David J. Leahy; to the Committee on Pensions.

A bill (S. 3618) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 3619) granting a pension to Ellen F. Marston; to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 3620) for the relief of the Atlantic Refining Co.; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 3621) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La.; and

A bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry; to the Committee on Commerce.

CHANGE OF REFERENCE

On motion of Mr. BROOKHART, the Committee on the Judiciary was discharged from the further consideration of the bill (S. 3585) to extend the benefits of the employees' compensation act of September 7, 1916, to Minnie Schroeder, and it was referred to the Committee on Claims.

HOUSE BILL REFERRED

The bill (H. R. 8410) to change the name of Third Place NE. to Abbey Place was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENTS TO MUSCLE SHOALS BILL

Mr. MCKELLAR and Mr. COPELAND each submitted an amendment; and Mr. HARRISON, Mr. SMITH, and Mr. HOWELL each submitted sundry amendments intended to be proposed by them to House bill 518, the so-called Muscle Shoals bill, which were severally ordered to lie on the table and to be printed.

GEORGEANNA GETCHELL

Mr. WALSH of Massachusetts submitted the following resolution (S. Res. 282), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate to Georgeanna Getchell, widow of Edwin P. Getchell, late a messenger in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Maryland [Mr. BRUCE].

Mr. UNDERWOOD. I ask for the yeas and nays.

Mr. SMITH. Mr. President, a parliamentary inquiry. What is the matter now before the Senate on which we are asked to vote?

The PRESIDENT pro tempore. The Clerk will report the amendment proposed by the Senator from Maryland.

The READING CLERK. In the substitute reported by the committee, on page 23, line 11, after the word "efficiency," it is proposed to strike out the period and insert a semicolon and the words:

and in the selection of employees for said corporation and in the promotion of any such employees all selections shall be made in accordance with the provisions of the Federal Statutes relating to the Federal classified civil service and the powers and authority of the President and the United States Civil Service Commisison with respect thereto, but all such employees shall be subject to dismissal by the board at its pleasure.

Mr. BRUCE. I ask for the yeas and nays on this question.

Mr. SMITH. They have been demanded. I merely wanted to have the amendment read as it is now presented by the Senator from Maryland. The last clause is the one in which I was interested.

The PRESIDENT pro tempore. The yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. MCKELLAR. Mr. President, on yesterday the Senator from Maryland [Mr. BRUCE], I think somewhat humorously, stated that perhaps the reason why some of the Senators from the States near by the shoals did not want the employees to go under civil service was because we might be interested in the appointments to be made by the corporation. As I stated yesterday, of course that did not apply to me because I had not thought of it. But upon looking up the record I find that the State of Maryland has a larger quota of employees under the civil service than any other State in the Union. It is entitled to 495 employees and it has 2,237 in the civil service.

I am quite sure the Senator from Maryland did not have it in mind at all that Maryland would probably profit more by having the employees of the proposed corporation under the civil service than it does now, according to the actual figures. I am sure he did not have it in mind, and I do not make any suggestion of that sort except to give the facts as they are. Maryland profits now more by the civil service than any other State in the Union.

Mr. BRUCE. Mr. President, I simply desire to return my thanks to the Senator from Tennessee for bringing to the attention of the Senate this particular illustration of the enterprise and superior qualifications of my constituents. If there is anything in the fact to which he refers, I think it is but fair to them to say that of course whatever distributive share of public offices they obtain, they obtain in the form of the quota fixed by law.

Mr. MCKELLAR. Oh, no. The quota fixed by law provides that Maryland shall have 495, but it has 2,237.

Mr. BRUCE. That must have been due partly to lack of applications on the part of the citizens belonging to other constituencies.

Mr. MCKELLAR. I think it was due to the extraordinary forwardness of the applicants of the State of Maryland, which is so near by the District of Columbia.

Mr. SMOOT. I will state to the Senator it was due to the fact that they were in the employment of the Government when covered under the civil service, and they are still in that service.

Mr. MCKELLAR. Anyhow, Maryland is well cared for under the civil service.

Mr. BRUCE. The point I wish to make is that it is partly due to their proximity to the Capital, but far more to superiority of their qualifications for office.

Mr. DIAL. Mr. President, yesterday afternoon when we took a recess I was calling attention to the fact that this is a business enterprise. It is an exception from the ordinary governmental proposition and we ought not to bind it down by impractical visionary rules. We will have to operate the plant seven days in a week, 24 hours a day, and every day in the year, and we do not want people there raising questions about whether they should be worked or not, transferred from one department to another, and so forth. Furthermore, to put this business enterprise under civil service rules would possibly prevent us from getting a lessee at all. We should not bind down the authority and the power of the lessee in the management of the business. That would tend greatly to discourage people from bidding on the property in an effort to obtain the lease. I hope the amendment will be defeated.

Mr. NORRIS. Mr. President, I do not question the good faith of the Senator from Maryland [Mr. BRUCE] in offering the amendment. I think it is perfectly apparent why the State of Maryland has more persons in the employ of the Government under civil service and perhaps outside of the civil service than any other State. We all know that particularly during the war, when it was necessary to increase at a fabulous rate the number employed, it was very often absolutely necessary to take into the civil service those who were right here on the ground. Maryland, as we know, is right next door to the District of Columbia. So I do not regard that as anything extraordinary.

When the Senator from Maryland first offered his amendment I expressed myself as favorable to it; but after more carefully examining section 6 of the committee bill, to which the amendment is directed, I changed my mind in reference to the amendment, and, while I do not regard it as exceedingly important, I am of the opinion that it would detract from efficiency rather than help it, for if Senators will examine section 6 they will find that as framed it is already a civil service provision. I think it is more fully so than any provision that has ever been put into a statute which has been passed by Congress. It is a provision to which the committee gave a great deal of consideration, the object being to remove this governmental corporation entirely from the domain of party politics. We should welcome any amendment that would assist in effectuating that object in any degree.

Section 6, among other things, provides that this board shall keep a record of all recommendations from whatever source; that even if such recommendations are made orally, they shall be entered in the record, and that that record shall be open to public inspection. If this amendment were agreed to, I think its effect would be practically to nullify that provision of section 6; at least it would be of no value, as it seems to me; and as between the provisions which are in section 6, in which it is specifically stated that no political test, no partisan qualification, no recommendation of a political nature, shall ever be given any consideration in either the appointment or promotion of any of the officials subject to appointment or promotion by this board and the Senator's amendment, I prefer the language of section 6, according to which it is made a criminal offense for the board to permit partisan influences to control their official acts, and if found guilty of such an act it automatically removes the incumbents from office.

The amendment of the Senator from Maryland provides for a somewhat different form of civil service. It may be that it would be more effective than that provided by the language used by the committee. Personally, however, I do not think it would be. It seems to me the question involved is whether the provisions now in section 6 or the provisions of the amendment of the Senator from Maryland would go further toward the removal of the activities of the employees and of the board from politics, that being the object of the section. Personally, as I have stated, it seems to me that the provisions already in the bill are more effective than the provisions framed by the Senator from Maryland.

If the Senator from Maryland had offered this amendment to the Coolidge substitute for the committee bill, there could not be this objection offered to it, because that substitute provides that the members of the board shall hold their office at the pleasure of the President; that they shall be responsible to no one except the President. It would be eminently proper in such a case, it seems to me, in the absence of other provisions similar to or the effect of which would be similar to the one that the committee has already incorporated in section 6, to put these officials under civil service, because there is no civil-service provision in the Coolidge substitute from one end of it to the other. I think it throws the appointments at once into the partisan political arena and they would become the football of politics. Senators may not agree with that view, but at least there is no attempt made in the proposed statute to keep appointments out of politics. They would be kept out if the President always insisted on keeping them out and should direct the board when he appointed them that they should do that, and they probably always would do it. Be that as it may, the objection does not apply, it seems to me, to the committee bill.

I want to remove from partisan politics the activities of this corporation, no matter which bill may be finally enacted, as I should be glad to remove from partisan politics the appointments of all governmental employees; indeed, if we had the kind of provision in the general law that we have in section 6, I doubt very much whether there would be, at least to as great an extent as now exists, necessity for the Civil Service Commission. It seems to me, therefore, that the amendment ought to be defeated as proposed to be applied to section 6.

Mr. BRUCE. Mr. President, I am very sorry, indeed, that the Senator from Nebraska, for whom I entertain such a profound respect, should have seen fit to withdraw from this amendment of mine the support that he has been giving to it. His temporary support of the amendment reminds me just a little bit of the simile in Burns's poem—

> * * * like the snow falls in the river,
> A moment white—then melts forever.

Or, if I may lapse into somewhat cruder poetry, it reminds me of the abrupt conversion which is said to have taken place in the habits and character of a sinner who fell from his saddle and was redeemed by the mercy of God before he reached the ground. That old distich runs:

> Between the stirrup and the ground,
> He mercy sought, he mercy found.

It really does seem to me that the sudden transformation that has taken place in the views of the Senator from Nebraska in reference to my amendment justifies me in recalling that little distich. I was eager for his support because he is a tower of strength to any cause that he supports; but now I submit to this body that he has not assigned any reasons which really should work any change in his views with reference to my amendment. Section 6 of the Norris substitute as it stands is nothing but a string, if I may use such a strong expression without disrespect, of hollow moral platitudes; that is all. It merely says that in the selection of employees under this bill there is to be no political discrimination or favoritism. These provisions are not attended with any sanction of any kind; they are not attended with any penalty of any kind. They comprise simply a smooth-sounding declaration that politics are to be completely excluded from appointments under this proposed act.

Mr. NORRIS. May I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. BRUCE. I yield with pleasure.

Mr. NORRIS. I wish to call the attention of the Senator to this language in section 6:

> Any member of said board who permits the use of political or partisan influence in the selection of any employee, or in the promotion of any such employee of said corporation, or who gives any consideration to political consideration in the official action of said board, or who, knowing that such political influence has been or is attempted, does not record the same in said record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding $1,000 or be imprisoned not to exceed six months, or both such fine and imprisonment, and the conviction of any member of said board of the offense herein defined shall have the effect of removing such member from office.

Mr. BRUCE. I admit my error. That provision escaped my attention. However, I do not think that such a provision would be truly effective because of the difficulty of bringing home to anyone any offense of that description in any really substantial and thoroughly probative way. So far as I know, the purposes of no merit system of appointment that has ever been created by law have been compassed by a mere penalty of that sort. It is necessary to have some kind of an impersonal, disinterested system, completely aloof from the temptations of party motives and aims to secure the appointment of subordinates without reference to political considerations.

To show how utterly ineffective, as a rule, anything short of a true merit system of appointment is to accomplish the object that the Senator from Nebraska has in view and that I have in view, all that we have got to do is to refer to the present Federal statute, which says specifically that no recommendations except as to character and residence made by any Member of the Senate with reference to any office that falls within the scope of the Federal classified service shall be heeded by any official charged with the duty of making appointments. That statute is all but an absolute dead letter. There are doubtless not a few Members of the Senate who heed the prohibition. I myself can say I have faithfully tried to heed it, and I have no right certainly to arrogate to myself any superior degree of public virtue as contrasted with my colleagues in the Senate; but how many Members of the Senate are there that do not heed it.

Mr. NORRIS. May I interrupt the Senator again?

Mr. BRUCE. Yes, sir; with pleasure.

Mr. NORRIS. As I understand, the Senator has quoted the law making it illegal for any Senator to make a recom-

mendation for appointment in the classified civil service. Is that the law now?

Mr. BRUCE. That is the law, except as to recommendations relative to character and residence.

Mr. NORRIS. Yes. Now, suppose we added to that law a provision that the person to whom such a communication was directed should record it in a record that we provided should be kept and as a penalty stipulated that he should be removed from office if he did not do it. That would perhaps make it more effective.

Mr. BRUCE. That would strengthen the provision, but at the same time that would not secure what is the primary object of the merit system of appointment, which is to obtain a first-class set of employees, completely removed from all ordinary personal and political influences. The suggestions of the Senator, if carried into effect, might prevent some Senator from making a recommendation; they might even result in a conviction at the hands of the criminal law of some Senator who did make such a recommendation, but they would not subserve what, as I have said, is after all the chief, the leading purpose of any civil-service reform system, and that is to provide for the selection of subordinates and employees by some impartial, disinterested system over which personal and political influences have no substantial control.

Now, getting back to that statute, a short time ago a gentleman in Maryland wrote to me and asked me whether I would not recommend the appointment of a certain young man whose application fell within the scope of the Federal classified service. I wrote him that I did not feel at liberty to do so, and I called his attention to the statute. Just about the same time he wrote to another Member of this body, a Senator for whom I entertain a very high respect and who is doubtlessly influenced in his general conduct by motives quite as high as mine, and very promptly that Senator wrote to him, "Why, certainly; I will do everything in my power to promote your object, and I am writing a letter to one of the chief officials of the Government with regard to the matter." So, as I say, the statute is largely a dead letter. That was recognized by the Senator from Tennessee [Mr. McKELLAR] yesterday when he called my attention to the fact that every day of the world recommendations are made by Members of the United States Senate in connection with positions that fall within the scope of the Federal classified service.

I am brought right back to my thesis; that is to say, that nothing except something that completely cuts up by the roots the temptations to this sort of conduct, nothing but some fair, impartial, just, impersonal system of appointment based on the idea of competitive examination, can do away with the patronage or the spoils system of politics. I submit that the Senator from Nebraska has not urged any reason, in my judgment, for his abrupt volte-face, if I may use such an expression.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. BRUCE. Yes.

Mr. NORRIS. So that there may be no misunderstanding, Mr. President, I want to say to the Senator that I do not think this amendment is vicious, or bad, or anything of that kind.

Mr. BRUCE. Oh, no.

Mr. NORRIS. I would not feel badly if it were agreed to.

Mr. BRUCE. I know the Senator would not. The Senator is a friend of the merit system of appointment.

Mr. NORRIS. I may be wrong. I am not trying to control the vote of a single other Senator, even if I could, on the question; but I have expressed myself now as I did when the amendment was first introduced in the Senate, and I have talked to the Senators favorable to it.

Mr. BRUCE. The Senator's support is such a good and valuable thing that naturally I am very averse to parting with it.

I want to say in conclusion simply that I have offered this amendment also to the Underwood substitute, or, as the Senator from Nebraska calls it, the Coolidge substitute. It is a matter of personal indifference to me whether the substitute proceeds from the Senator from Alabama or whether it proceeds from the President of the United States, so far as that is concerned; but I have offered an amendment precisely similar to the pending amendment to the substitute of the Senator from Alabama, and I can truly say that while I favor the substitute of the Senator from Alabama as distinguished from the substitute of the Senator from Nebraska, because the substitute of the Senator from Alabama contemplates alternatively the leasing or Government operation of this great plant, yet the provisions of his substitute relating to the selection of employees are considerably more objectionable to me than the provisions of section 6 of the substitute of the Senator from Nebraska, because they say in express terms that all the officials or employees appointed or selected under the substitute are not to be deemed officials or employees of the United States.

Now, just think of that! The board of directors of this governmental corporation is to be composed of persons appointed by the President. All the stock is to be held by the Government of the United States. All the property that the substitute directs to be turned over to the board is the property of the United States; and yet the substitute of the Senator from Alabama says that officials and employees of every description who shall be connected with the project are not to be deemed officials or employees of the United States—in other words, are not to be deemed as holding Federal office at all.

Why, what sort of substitute is that? What kind of monstrosity, what kind of enormity is that of which it is declared at one moment that it is to be a Federal instrumentality, that its stock is to be Federal, that its property is to be Federal, that it is to be absolutely free from taxation, and yet that none of its officials and employees are to be taken as being incumbents of Federal office at all. Now, in the name of Heaven, what are they? In the name of Heaven, I repeat, what are they? Certainly they are not the servants of a private concern. That idea is not tenable for a moment; and if they are servants of the Government, then what good reason can be assigned why they should not be appointed and selected as other appointees and employees of the Government are?

I never heard of such a proposition. The corporation is to be a Federal corporation in every essential particular, a mere corporated instrumentality of the Government, and yet—presto! change—its servants are to be treated exactly as if they were the agents and employees of some kind of private industrial concern. That was the thing that suggested to my mind the idea—probably a perfectly groundless one—that there was just a little disposition upon the part of the representatives of constituencies adjacent to Muscle Shoals to concentrate whatever patronage there may be under the Underwood substitute in the hands of a very small portion of the people of the United States.

The surmise may be utterly unwarranted, and certainly I do not know any gentleman who is less likely to be governed by indirect motives than the Senator from Alabama; but no matter what the intent is the tendency of the Underwood substitute will be to localize, more or less, all patronage under this bill, to mass it practically under the control of the purveyors of patronage in the States of Alabama and Mississippi and South Carolina and North Carolina.

I have nothing but good will for those States and I have a very great admiration for the Senator [Mr. UNDERWOOD] who sits near me, but if there is to be any patronage under this bill—and there will be a large amount of patronage under it—I say, let us have that patronage diffused over the whole face of the United States, under the provisions of the laws and rules and regulations relating to the Federal classified service.

I trust that my amendment will be adopted.

Mr. UNDERWOOD. Mr. President, I do not desire to detain the Senate longer than a moment; but after the statement just made by the Senator from Maryland [Mr. BRUCE] it is necessary for me to say a word.

I have never dealt in the patronage line to any great extent, and I certainly want to divorce any Government corporation that I may help to organize from partisan politics and political appointments. I am going to vote against the amendment that is offered to the bill of the Senator from Nebraska [Mr. NORRIS], because I should vote against it if it were offered to my substitute. Of course, I am not so much concerned about the corporation organized by the Senator from Nebraska. He is better advised than I am as to how he wants it to operate; but I certainly should be very much opposed to the amendment if it were made a part of the bill that I prepared and offered, and my reason is this:

The Senator from Maryland [Mr. BRUCE] thinks it is an anomaly that in providing for the organization of this Government corporation I should have put in a clause stating that these employees shall not be treated or considered as Government employees. My purpose is perfectly evident. I wanted it made clear that none of the rules, laws, or regulations affecting Government employees should affect the employees of this corporation, and it is perfectly apparent what I was driving at—that I do not believe a great industrial corporation can work under civil-service rules and regulations.

It has been said, time in and time out, that it is impossible for the Government of the United States to do business, that it can not successfully carry on a business enterprise, and to a large extent that is true. It is because of the red tape in Government procedure. It is because of the lack of efficiency in its employees. It is because of the fixed status of men in Government employment who are looking to themselves and not to the objective of success of the enterprise.

I hope, if this legislation passes, that a private lessee will make a satisfactory bid within the terms of this legislation, and take away from the Government the question of furnishing nitrogen for national defense and nitrogen in time of peace for fertilizer for the farmers, and run it as a private enterprise. If that can not be done, however, this great work must go on, and the only way it can go on is by the hand of the Government if no individual citizen will carry it on.

I wanted to try for once to write a bill that would establish a Government corporation on the same basis of operation as the great industrial corporations of America are run—the United States Steel Corporation in its efficiency, for instance. To accomplish that efficiency the captain of the team has to have absolute command. It is the only way in which efficiency can be otained. The men down the line have to know that the man who takes command of an industrial plant selects men for their accomplishment and not because they can pass an examination. The question is whether or not they produce results. When they do not produce results they are fired, and a man who can produce results is put in their place.

I believe in the application of the civil-service tests in the appointment of employees in Government bureaus. I think to a certain extent we have extended the civil service laws entirely too far for the benefit of the Government, but as to Government clerks and other such employees in the departments, I am heartily in favor of the continuation of the present law. But for the operation of a great industrial corporation, an amendment of this kind would merely have the effect, in my opinion, of destroying efficiency, and bringing about a failure of production of nitrogen at a profitable rate and the production of fertilizers for the American farmer at a reduction of cost.

I shall therefore vote against the amendment offered by the Senator from Maryland to the substitute reported by the Senator from Nebraska, and I hopé, if a similar amendment is offered hereafter to the proposal I have made, that in the interest of efficiency the Senate will defeat the amendment.

Mr. BRUCE. May I ask the Senator a question before he sits down?

Mr. UNDERWOOD. Certainly.

Mr. BRUCE. Does the Senator doubt for a moment that if this corporation should be established, Members of Congress would be subjected to precisely the same degree of political pressure for places in that corporation as they are in connection with other Government work?

Mr. UNDERWOOD. I think perhaps they would be; but I am not here holding a brief to defend my colleagues from annoyance. The whole working of this corporation, if it shall be established, will depend on the men the President of the United States shall select as the board of directors, and I hope he will select five business men who will disregard politics entirely and consecrate their service to the benefit of the people of the United States in national defense and for the production of fertilizer. If he selects that kind of men, they will say that they are not going to make political appointments.

I do not mean to say that the Senator from Maryland or myself may not be importuned for many appointments, and it may annoy us; but, as I have said, I am not holding a brief here to prevent annoyance to Senators. I am holding a brief to try to organize an efficient business corporation which will do business as every efficient corporation should do it, under the command of the man who stands on the bridge and captains the industry, and when you put that man on the bridge you should not interfere with his hand by theoretical laws and Government red tape.

As to the selection of employees, we have had that problem in connection with that work before. We spent $60,000,000 down there, and most of the ordinary labor came from Alabama or Georgia or Tennessee, but practically all of the captains and superintendents came from the Northern States. There is no reason why, in connection with the real positions down there, we should expect that these five directors would choose the appointees from Alabama or Mississippi or Georgia or Tennessee. If they do their duty they will select men of efficiency and capacity, no matter where they come from, and if they do not do their duty, but are going to play politics with the machine, it is dead right now.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator desire to ask a question of the Senator from Alabama?

Mr. BRUCE. I wish to ask a question.

Mr. UNDERWOOD. I will be glad to answer any question.

Mr. BRUCE. I wish to say to the Senator that, so far as he contends that it would be preferable to lease this plant rather than to operate it through any Government agency, I go along with him completely. I do not hesitate to declare that if he were to strike out every word in his substitute relating to governmental operation of the plant, and leave nothing but the authority to the Secretary of War to lease, his substitute would be even more acceptable to me than it is now, because my observation has been that a certain class of grevious abuses are absolutely inseparable from the operations of all governmental corporations. But that is not the situation that is presented to us. The alternatives presented to us are whether this governmental corporation shall be left free to select its employees without any reference whatsoever to the Federal statutes and rules and regulations relating to the Federal classified service, or whether its employees shall be selected agreeably with those laws and rules and regulations. I say that if the latter are not made parts of the Underwood substitute the effect inevitably will be to let in all the grievances and scandals of the old patronage or spoils system of appointment. How hard it is to contend that there is any intrinsic reason why the merit system of appointment should not be applied to a governmental corporation is shown by the fact, as I understand it, though the Senator from Washington will correct me if I am wrong, that the appointments under the United States Shipping Board do fall within the Federal statutes and rules and regulations relating to the classified service.

I understood Doctor Doyle, of the United States Civil Service Commission to say as much to me. What reason can there be why all the employees of the United States Shipping Board and the Emergency Fleet Corporation should be selected under the provisions of law relating to the Federal classified service, and yet the employees of this proposed power corporation not be?

I may be wrong; it does not do to sniff the air for a taint too nicely, but I am beginning to suspect that a part of the influences that have led to the creation of these Federal corporations are the result of a desire to escape the trammels of the Federal merit system of appointment.

There are only two or three of these governmental agencies the employees of which are outside of the Federal classified service, as I understand it. There is the Emergency Fleet Corporation, and there is the Panama Railroad; that is all, I believe. So the choice is between a governmental corporation restrained by the provisions of the merit system of appointment and a governmental corporation not so restrained. We are not discussing the choice between a lease and a governmental corporation.

What right the Senator has to suppose that the application of the merit system of appointment to this Federal corporation would work any sort of paralysis of its energies I can not conceive. He says that system is not applicable to the Government when it is engaged in some sort of industrial enterprise. As I look at it, the Government should not engage in an industrial enterprise of any kind. I agree with the Senator from New York on that subject. But, at the same time, we know that the Government has been in the habit for years and years of exercising functions that are essentially business functions. Take the business of delivering letters alone. There must be a Postmaster General, and there must be assistant postmasters general. There must be a vast number of graded postal officials and servants of one sort or another. And yet the great body of the postal servants of the Government are selected under the merit system.

Mr. STERLING. Mr. President, reference has been made to the Emergency Fleet Corporation, as to whether the employees of that corporation are appointed under the civil-service rules. I can not say as to that. I do not remember the provisions of the statute creating the Emergency Fleet Corporation or providing for it; but under the Shipping Board the appointees must be selected from the list of eligibles, save these—a secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary. All the rest are appointed under civil-service rules.

Mr. BRUCE. That is just what I was endeavoring to point out.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the Senator from Maryland, and the yeas and nays have been ordered.

Mr. HARRISON. Mr. President, I desire to say just a word. It occurs to me that the Senator from Maryland is unduly alarmed about this situation. He looks at it differently from the way that we away from Washington would. He sees it through a colored lens. It is quite true that perhaps he has more applicants for governmental jobs than Senators from other States have, except, perhaps, Virginia. Maryland and Virginia are located right here, bordering the District of Columbia, and the constituents of those Senators no doubt appeal to them very often. The Senator is gun-shy.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. HARRISON. I know the Senator from Virginia is unlike the Senator from Maryland; he likes to have his constituents come and make their appeals to him.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. HARRISON. I yield.

Mr. SWANSON. If this amendment shall be adopted I do not suppose a man would ever be certified to one of these positions from Virginia, the District of Columbia, or Maryland under the civil-service rules, so many people come from other States. It is such an honor to be a Virginian that the people from that State classify themselves very quickly as Virginians, and our quota of applicants is filled up. As I said, if this amendment shall prevail, I doubt whether one man would be certified by the Civil Service Commission from Virginia, the District of Columbia, or Maryland for 10 years. So the Senator's criticism of the Senator from Maryland and myself is entirely uncalled for.

Mr. HARRISON. If the Senator will permit, I do not want to get into a controversy as between Maryland and Virginia, and I do not suppose that any of us know whether Virginia or Maryland has been able to get the most appointees, but all of us do know that the Senators from both States have striven hard to get all they could.

Mr. SWANSON. If the Senator will allow me, all the Government positions, except very few, are now under the civil service and are prorated among the States. The Civil Service Commission can not certify people from Virginia, the District of Columbia, or Maryland until the other 46 States have their pro rata. I do not suppose there has been a certification from either Maryland or Virginia or the District of Columbia for some time. So the Senator is entirely mistaken in thinking this would help the Senator from Maryland in getting any positions. I think it would prevent him from getting any of the positions.

Mr. HARRISON. Mr. President, these great plants and dams and locks have so far been erected and constructed without the application of the civil-service rules, and I doubt whether the Senator from Maryland, in all his experience as a private citizen or as a public official, ever had a request from anyone to assist them to get a job at Muscle Shoals.

I am sure I have never had a request from anyone desiring a position with the Alaskan Railway Co., and I have never had a request, and I am sure that few Senators have, from anyone wanting political influence brought to bear upon the Panama Railroad, which is operated by the Government free from any civil-service restrictions. Indeed, I have had no request from anyone for a position with the Emergency Fleet Corporation, which the Senator admits does not come under the civil-service system. If Senators will investigate, they will find, as the Senator has admitted, that all of the agencies of the Government which are really doing industrial work, as operating the ships, as operating railroads, or when the Panama Canal was constructed, are and were free from the restrictions of the civil-service rules.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. HARRISON. I yield.

Mr. McKELLAR. In order that we may see how the civil-service employees are selected, and from what States, especially in view of what the Senator from Virginia [Mr. SWANSON] has said, I desire to give the facts as ascertained from the Civil Service Commission this morning.

The District of Columbia is entitled to 149 civil-service employees. It has 10,981. The State of Maryland is entitled to 495. It has 2,237. The State of Virginia is entitled to 789. It has 2,265. The State of Pennsylvania is entitled to 2,981, and it has 2,324. The State of New York is entitled to 3,551, and as a matter of fact it has only 2,482. The State of Tennessee is entitled to 799, and as a matter of fact it has only 562. That is the way the civil-service proposition is worked out.

Mr. GLASS. Perhaps the State of Tennessee ought to get a Senator who would get the other 237.

Mr. McKELLAR. Perhaps so.

Mr. SWANSON. Mr. President, if the Senator from Mississippi will permit me——

Mr. HARRISON. I yield to the Senator from Virginia.

Mr. SWANSON. The civil service law provides that except in the Government Printing Office and in the Bureau of Engraving and Printing the appointment of employees shall be divided among the States according to population. If Tennessee had an eligible list of applicants who had stood the examination, then nobody could be certified from Maryland, nobody could be certified from the District of Columbia, and nobody could be certified from the State of Virginia until Tennessee and the other 45 States had their pro rata exhausted. Consequently if there is no certification from Tennessee, it is not the fault of Virginia. Applicants must stand an examination. They must show themselves qualified and must express some desire to serve the Government.

As I said, if the amendment is agreed to, with Virginia having 2,240 employees and Maryland 2,240, and with the disposition of everybody that comes here from other States to belong either to the District of Columbia, Virginia, or Maryland and get a home there, then no person would be certified from either of those three jurisdictions until the lease on the Muscle Shoals property had in all probability expired or until the other States had demonstrated their disinclination to apply for the positions.

I do not know of anybody who has been certified from Virginia to the civil service unless it is some scientist or expert that the other States can not furnish, and they certainly should not complain in a case of that kind. Residents of Virginia have stopped standing the ordinary examinations under the civil service. If the amendment offered by the Senator from Maryland is agreed to, I doubt whether, except as to scientific men requiring special skill or expertness, which the rest of the States are unable to furnish, a man would ever be certified for an ordinary clerical position from either Virginia, Maryland, or the District of Columbia.

Mr. HARRISON. I agree thoroughly with the Senator from Virginia. I merely want to say that the agencies that are being operated now, like the Emergency Fleet Corporation and the Panama Railway and the Alaskan Railway, are not under the restrictions of the civil service.

Mr. BRUCE. Why does not the Senator cite the United States Shipping Board?

Mr. HARRISON. The United States Shipping Board does not operate the ships. The Emergency Fleet Corporation operates the ships.

Mr. BRUCE. The United States Shipping Board has a large number of employees all selected under the civil-service system, as the Senator knows.

Mr. HARRISON. Yes; but the agency operating the ships is not tied down by civil-service regulations and restrictions.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. HARRISON. I yield.

Mr. GLASS. Before we get away from the relative number of employees under civil service with respect to the various States, I want to make it perfectly plain that I spoke facetiously a while ago when I suggested that the State of Tennessee should get a Senator who could secure a greater number of appointments. To illustrate my own incompetency in this respect, I want to say that during the eight years of the last Democratic administration I suggested but one appointee to public office. I do not pretend to compete with my friend the Senator from Tennessee [Mr. McKELLAR] in matters of that kind.

Mr. McKELLAR. Will the Senator from Mississippi let me say in that connection that I think the list from Tennessee shows that the first criticism of the Senator from Virginia was entirely well taken; that if getting people here under the civil service is a part of the duties of a Senator, I have been woefully neglectful of that particular duty, because Tennessee has not anything like her quota. Of course, if that is remissness, I have been remiss in my duty.

Mr. HARRISON. Mr. President, it is an adroit, yet old policy, when some one is against a proposition to load it down with amendments. I might suggest to the Senator from Nebraska the old saying, "Beware the Greeks bearing gifts." The Senator from Maryland [Mr. BRUCE] stated that he was against Government operation; that he was against that part of the Underwood bill providing for a corporation to carry on

the operation at Muscle Shoals. Of course, as the bill of the Senator from Nebraska provides for a governmental corporation to do the work, he is opposed to that proposition. It may be that this is one way of killing the whole plan to develop Muscle Shoals. Certainly the man of ordinary business acumen, it would seem to me, would conclude that when the operators of a great industrial plant such as that at Muscle Shoals are tied down with the red tape incident to civil service requirements and regulations we are going to be confronted with failure from the time the proposition is started.

I am opposed to the bill of the Senator from Nebraska, but I would like to have it rather than nothing. I want to see something done at Muscle Shoals, and whether the proposal of the Senator from Nebraska is accepted or whether we accept the proposal of the Senator from Alabama, let us make it so that we can at least have some hope of its success. When we start out upon the plan of bringing in a lot of employees under civil-service requirements whose qualifications are fixed and looked after by the Civil Service Commission here in Washington, of course we will get nowhere either in the manufacture of power for sale or for nitrate production in time of war or to make fertilizer therefrom in time of peace. Let us give the men who are going to operate Muscle Shoals a free hand and let them employ the men, and women if need be, who can do the work, to do it and make it a success.

Let us look at this proposition a moment. The Senator from Maryland said that he intends to offer a similar amendment to the Underwood proposal if the Norris proposal is defeated. The Underwood proposal offers first the opportunity for the Secretary of War to lease Muscle Shoals to private interests, so the Senator would have us say to those business interests that may come before the Secretary of War with their proposals that the Government is going to require that all the people who work in their plant shall be appointed under civil-service requirements and run by civil-service regulations.

Mr. BRUCE. Oh, Mr. President!

Mr. HARRISON. I thought that to state the proposition would show it to be so monstrous that the Senator would disclaim it.

Mr. BRUCE. Yes; but when the Senator states it, he should state it correctly. I never intended for one moment that if the property should be leased the Federal classified service should have anything to do with it whatsoever. Then, of course, the great work would be done by a private industrial concern, which, of course, would do it without the slightest reference to the fact whether the employees it hired were Democrats or Republicans.

Mr. HARRISON. I accept the Senator's explanation.

Mr. BRUCE. Then I have nothing further to say.

Mr. HARRISON. I am glad to have the Senator say that when he offers the amendment to the Underwood proposal he will only contemplate making it apply if the Government operates it; that then only it will apply, and not until then.

Mr. BRUCE. That is the idea.

Mr. HARRISON. But the Senator overlooks the fact that we are trying to get cheap fertilizer for the farmers of the country; that the Underwood proposal provides that if private individuals get the lease and do the work they shall not make over 8 per cent profit on the cost of production. The Government must follow very rigid requirements. Whenever we lay down this proposition with the requirement that they shall employ only civil-service employees, who may not have the ability or qualification to perform the particular work required according to the good judgment of the men who operate the plant, that moment we are going to make it cost so much that the fertilizer can not be sold at a low price to the farmers of the country.

The Underwood proposal provides that if the Government corporation shall not show a profit within four years it shall cease to function and the subject shall come back to Congress and a new lease on the power shall be considered. Of course, it will be a failure in that event. They will have to come back to Congress within the four years and the question will be again before the Congress of the United States. Mr. President, I think if the amendment should be tacked onto the Norris bill and it should become the law, or if it should be adopted on the Underwood proposal and it should become the law, the Muscle Shoals proposition is doomed to failure from that very day. The farmers will get no relief from it. I am against the proposition offered by the Senator from Maryland. Let us not shackle this development at the start. Let us at least give it a fair chance, unfettered and untied by civil-service restrictions.

Mr. STERLING. Mr. President, I was interested in the statement made by the Senator from Mississippi to the effect that the employees of the Panama Canal Zone were not under civil service. I had the idea that some of those employees were under the civil service.

Mr. HARRISON. I did not say the Panama Canal Zone. I said the Panama Railroad, which operates as a separate corporation. Of course, some of the employees on the Panama Canal Zone are under the civil service.

Mr. STERLING. Then I misunderstood the Senator. I thought he referred to all employees on the Canal Zone. On the Panama Canal Zone these employees, I think, are under the civil service: Clerks, stenographers, typewriters, bookkeepers, physicians, surgeons, and nurses. They are all under the service rules.

The PRESIDENT pro tempore. The yeas and nays have been ordered, and the roll will be called.

The reading clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. In his absence I withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. HARRISON (when Mr. STEPHENS's name was called). My colleague [Mr. STEPHENS] has a pair on this question with the junior Senator from Vermont [Mr. DALE].

Mr. JONES of Washington (when Mr. WATSON's name was called). The Senator from Indiana [Mr. WATSON] is necessarily absent from the Senate.

The roll call was concluded.

Mr. HARRELD (after having voted in the negative). I wish to announce that I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], who, I understand, if present, would vote as I have voted. Therefore I have cast my vote.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. OWENS]; and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 6, nays 65, as follows:

YEAS—6

Bruce	Edge	Sterling	Wheeler
Copeland	McCormick		

NAYS—65

Ashurst	George	McKellar	Reed, Mo.
Ball	Glass	McKinley	Robinson
Brookhart	Gooding	McLean	Sheppard
Broussard	Greene	McNary	Shipstead
Bursum	Hale	Mayfield	Shortridge
Butler	Harreld	Means	Smith
Capper	Harris	Metcalf	Smoot
Couzens	Harrison	Moses	Spencer
Cummins	Heflin	Neely	Swanson
Curtis	Howell	Norbeck	Trammell
Dial	Johnson, Calif.	Norris	Underwood
Dill	Johnson, Minn.	Oddie	Wadsworth
Edwards	Jones, Wash.	Overman	Walsh, Mass.
Ferris	Kendrick	Pepper	Willis
Fess	Keyes	Phipps	
Fletcher	King	Ralston	
Frazier	Ladd	Ransdell	

NOT VOTING—24

Bayard	Ernst	Owen	Stanley
Borah	Fernald	Pittman	Stephens
Cameron	Gerry	Reed, Pa.	Wash, Mont.
Caraway	Jones, N. Mex.	Shields	Warren
Dale	La Follette	Simmons	Watson
Elkins	Lenroot	Stanfield	Weller

So Mr. BRUCE's amendment was rejected.

Mr. HARRISON. Mr. President, I desire at this time, in order that it may be printed, to offer an amendment to the so-called Underwood substitute. I do not desire to have the amendment read but merely desire to state that the object of the amendment is to make the four years during which this proposed corporation is to be given a try out 10 years, and at the same time to bring Dam No. 3 and Dam No. 2 within the proposal.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The amendment to the amendment will lie on the table, and be printed.

Mr. HARRIS. I offer the amendment to the Underwood substitute which I send to the desk.

The PRESIDING OFFICER. The Senator from Georgia presents an amendment, which the Secretary will read.

The READING CLERK. It is proposed to amend section 5 of the Underwood substitute by adding the following proviso:

Provided, That no lessee hereunder shall have any right to sell or transfer any lease or any interest therein which may be obtained or secured under this act.

Mr. HARRIS. Mr. President, the amendment explains itself. It is designed to prevent the Government from leasing properties to one corporation and permitting it to sublet them to another. I think all Senators will see the objection to that and the harm that might follow from it. I think there will be no objection on the part of the Senator from Alabama [Mr. UNDERWOOD] to the amendment which I have offered.

Mr. UNDERWOOD. May I inquire whether the amendment as proposed is offered to the bill of the Senator from Nebraska [Mr. NORRIS]?

The PRESIDING OFFICER. The Secretary informs the Chair that the amendment is proposed to the substitute of the Senator from Alabama.

Mr. HARRIS. That is true.

Mr. UNDERWOOD. I do not know whether or not the amendment is subject to discussion at this time; but if it is, I should like to have it read again.

The PRESIDING OFFICER. The Secretary will again state the amendment proposed by the Senator from Georgia.

The amendment to the amendment was again read.

Mr. UNDERWOOD. I should like to say a word in regard to the amendment, but I will wait until the Senator from Georgia shall have concluded.

Mr. HARRIS. I have nothing further to say.

Mr. UNDERWOOD. Mr. President, I am not sure that the Senator's amendment is very material one way or the other in regard to the bill except in this respect, that, as I understand the amendment as read, it proposes to prevent the lessee or the corporation, if this bill shall become a law, from making a sublease to do a part of the work.

Mr. HARRIS. That is all the amendment contemplates.

Mr. UNDERWOOD. I think there are times when a sublease will be absolutely necessary or may be essential. For instance, take the Waco quarry, which is the lime quarry that will furnish the lime to go in the ovens of the cyanamide plant. It might become more useful for that quarry to be operated by a sublessee or a subcontractor, and I see no reason why we should attempt to tie the hands of business men whom we want to be efficient. I do not see any great objection to the Senator's amendment, but it simply removes from the function of the operating concern, whether a lessee or the proposed corporation, one of the powers that usually are possessed by any ordinary business concern, to sublease any part of its work.

Mr. HARRIS. The Senator does not understand the amendment, because his entire argument has been against some provision which is not in the amendment. The amendment is not intended to prevent the lessee from doing just what the Senator is objecting to, but it does prevent the lessee from transferring the lease to some other corporation.

Mr. UNDERWOOD. Then, I understand the Senator to mean the main lease?

Mr. HARRIS. To prevent the lessee from transferring it.

Mr. UNDERWOOD. And to prevent him from selling out the whole enterprise to somebody else?

Mr. HARRIS. To prevent his disposing of it to some one else.

Mr. UNDERWOOD. Well, if that is all that is in the Senator's amendment, I have no objection to it.

Mr. HARRIS. That is all the amendment contemplates.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. HARRIS. I yield.

Mr. EDGE. It seems to me there is some question as to the effect of the amendment according to the language as I followed the reading. Why would it not meet the desire of the proponent if there were added to the amendment the words "without the consent of the Government," the Government being the lessor? In other words, every lease of a house or other property is subject to re-leasing or disposition if the owner is satisfied with the new arrangement. Why should any lessee be held in check so that if he found himself unable to administer the lease at a profit or satisfactorily, he could not dispose of it at all?

Mr. UNDERWOOD. Mr. President, I find the Senator's amendment does not carry out his suggestion. His amendment reads as follows:

Provided, That no lessee hereunder shall have any right to sell or transfer any lease—

Not the main lease which, as the Senator has suggested, is what he is aiming at, but "any lease," which would include any lease which he might make—

any lease or any interest therein.

So it is perfectly clear from the language the Senator uses that it is a sublease to which he is referring. That being the case, I think the amendment ought to be defeated, because I do not think that the hands of the lessee should be tied in his business operations. What we want is the accomplishment of a result, to wit, the making of so much nitrogen and so much fertilizer, and that is what we want to hold the lessee to. Outside of that, there is no reason why we should not give the lessee a free hand to accomplish that result in the way he deems best.

Mr. HARRIS. I do not agree with the Senator from Alabama, but I think the suggestion of the Senator from New Jersey is wise, and that it would be better to add the words "without the consent of the Government."

Mr. UNDERWOOD. I think the effect of the Senator's amendment will merely be unnecessarily to mix up the Government in the matter.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. HARRIS. I yield.

Mr. EDGE. I merely made that suggestion to try to improve the amendment. Even with that amendment incorporated, however, I agree with the Senator from Alabama that the amendment is hardly necessary; but without such a provision as I have suggested it would seem to me that the amendment would be most unfortunate.

The PRESIDING OFFICER. Does the Senator from Georgia desire to perfect his amendment?

Mr. HARRIS. I ask the privilege of perfecting it by adding the words "without the consent of the Secretary of War."

Mr. HARRISON. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state his parliamentary inquiry.

Mr. HARRISON. Mr. President, I wish to know just where we stand in connection with the various proposals before the Senate. I thought that the original Norris bill was before the Senate. That measure is a substitute for the bill based on the Ford offer which came from the House. I thought we had to act upon the Norris measure first. How can we offer amendments now to the Underwood proposal when it is not before the Senate?

The PRESIDING OFFICER. The Chair understands that the Underwood proposal has been submitted as a substitute for the amendment proposed by the Senator from Nebraska, and therefore they are both before the Senate for amendment and to be perfected until the vote is taken.

Mr. HARRISON. The Chair holds, then, that the Underwood amendment can be brought before the Senate as a substitute for the Norris proposal?

The PRESIDING OFFICER. The Chair understands that is before the Senate.

Mr. HARRISON. Then, amendments may now be offered to the Underwood substitute?

The PRESIDING OFFICER. They may be offered to either measure.

The Chair is advised that the amendment of the Senator from Georgia has now been perfected as he desires.

Mr. DIAL. Mr. President, it occurs to me that the amendment ought not to be adopted. It would discourage persons from bidding and from expending money to experiment and to develop. Conditions might arise under which it would be very desirable for a lessee to transfer his lease. I can not see why the enterprise should be tied down or hampered by these unnecessary restrictions, and I think they are altogether out of place. I regret to have to oppose my good friend from Georgia [Mr. HARRIS], in whose judgment I have so much confidence; but I feel that this amendment is entirely unnecessary, and that it would be injurious to the general enterprise.

Mr. HARRIS. Mr. President, I think the amendment is a very important one. I shall be perfectly frank about it. There are some of us in the Chamber who would not be willing to have the Government lease this property to certain corporations—for instance, the Alabama Power Co., which has been a Canadian corporation, a foreign corporation. I should oppose that. This amendment is simply to protect the Government and prevent one corporation from getting the lease and then selling it to some other corporation which would not be acceptable to our Government; and with the words suggested by the Senator from New Jersey, requiring the consent of the Secretary of War, it seems to me that it should not be objectionable.

Mr. HARRISON. Mr. President, may I ask the Senator a question before he takes his seat?

Mr. HARRIS. I yield, with pleasure.

Mr. HARRISON. If I undersand the Senator, this amendment is striking at one particular corporation.

Mr. HARRIS. It is striking at a number of corporations, and I mentioned one.

Mr. HARRISON. If the amendment should be adopted, let us take this kind of a case: Suppose this plant should be leased for a term of 50 years to some organization to make 40,000 tons of fixed nitrogen annually, and they did not care to deal with the question of surplus power, and some surplus power should be developed there; and suppose that the Alabama Power Co., say, or some other power company that operates out of Georgia, had its lines already constructed up to Sheffield and that economically it could probably pay more for the power, and it covered a field that needed the distribution of power. If this amendment should be adopted, then that power company would not be able to deal with the original lessee, would it?

Mr. HARRIS. Mr. President, this amendment refers to the lease of the entire property. It does not prevent the lessee from doing what the Senator from Mississippi says.

Mr. HARRISON. It says "any lease or any interest therein."

Mr. HARRIS. Selling an interest in the lease does not prevent you from making a contract to sublet under the lease.

Mr. HARRISON. The idea of the Senator is, then, that the original lessee could sell power to a distributing power system that had built its lines up there?

Mr. HARRIS. This does not prevent that at all. It seems quite plain to me, and I am sorry it is not to others. It simply provides that without the consent of the Secretary of War this lease shall not be transferred.

Mr. ROBINSON. Mr. President, may I ask the Senator from Georgia a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. HARRIS. I yield with pleasure.

Mr. ROBINSON. The Senator from Georgia has frankly stated that the purpose of the amendment is to prevent the transfer of rights by the original lessee to certain corporations which are deemed obnoxious. Is there anything in the bill, or will there be anything in the bill after the Senator's amendment is agreed to, if it should be adopted, that would prevent the War Department, in the first instance, from making a lease to any corporation with which it chose to contract?

Mr. HARRIS. I do not think there is anything.

Mr. UNDERWOOD. No; nothing at all.

Mr. ROBINSON. Then, if the Senator wants to accomplish the purpose he has stated, I am curious to know how he expects an amendment of this nature to prevent the Alabama Power Co. or any other corporation from getting the lease in the first instance if it makes terms that are satisfactory to the War Department?

Mr. HARRIS. There is an amendment pending that will do just what the Senator from Arkansas refers to.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to his colleague?

Mr. HARRIS. I yield.

Mr. GEORGE. I see the difficulty that the Senator from Alabama finds in this amendment as to its preventing the leasing of any interest that goes under the main lease. I suggest to my colleague that he might accomplish all that he seeks to accomplish by merely providing that this lease shall not be assignable except with the consent of the Secretary of War. That possibly would obviate the objection which the Senator from Alabama has.

Mr. UNDERWOOD. While I do not think it is clearly done by the Senator's amendment, I have no objection to an amendment that will provide that the original lease can not be assigned without the consent of the Secretary of War, because I do not think it could be done under the law anyhow. I do not think the Secretary of War could make a contract with anybody and give him power to assign the lease in an instance of this kind; but the Senator disclosed in his argument that what he was trying to do was to keep certain people or certain corporations from operating this property. I want to say to him candidly that I hold no commission from the Alabama Power Co. I have the greatest respect for the officers and agents of that company. I have no complaint to make of them, but for four long years I have been in combat with them when I was supporting Henry Ford's offer, and they had an offer of their own, and I have no commission to defend them.

Mr. HARRIS. If the Senator will allow me to interrupt him, would the Senator from Alabama agree to lease this plant to a foreign corporation?

Mr. UNDERWOOD. No.

Mr. HARRIS. Is not the Alabama Power Co. to-day a foreign corporation?

Mr. UNDERWOOD. I understand not.

Mr. HARRIS. Then it has been changed only recently.

Mr. UNDERWOOD. I understand that at one time the properties were owned and controlled by a foreign corporation.

Mr. HARRIS. It must have been changed within the past few weeks.

Mr. UNDERWOOD. I understand that the property is now owned by an American corporation and that 85 per cent of the stock is owned and controlled by American citizens.

Mr. HARRIS. Would the Senator be willing for the Government to allow the lessee of this plant to sublet it to any foreign corporation?

Mr. UNDERWOOD. No, I would not; and I do not think the Secretary of War for a minute would make a lease under those circumstances; but, as I say to the Senator, after the lease is made with the Government the lessee could not turn over his contract. He might sublease parts of it, but he could not assign his contract to somebody else; and the Senator is now attempting to prevent a reassignment of the contract when under the terms of the bill the Secretary of War might make the contract with anybody he saw fit.

I think I understand what the Senator wants, because his statement has made it clear, and I am not with him in that desire. I think, from his statement, it is clear that he does not want the Alabama Power Co. to get its hands on this property in any way. Now, I want to say this: As I say, I hold no brief for the Alabama Power Co. I have been fighting for Henry Ford's offer against the Alabama Power Co. for four years; but what I want to do is to produce nitrogen and fertilizer under the terms of this bill and sell surplus power and do it profitably, and it does not concern me who carries it out, provided they have money to give the necessary guaranties and can successfully operate the plant. I want to say this to the Senate, however, and it is a material proposition for the Senate, and especially for Senators in the immediate vicinity of Muscle Shoals, to consider:

If we had a vast amount of surplus power to sell, either the corporation indicated here or a lessee might well afford to build a transmission line of great length for the sale of that power; but the purpose of the bill, as I propose it, is primarily to make fertilizer and nitrogen. It is supposed that when those plants begin to operate a very large proportion of this power is going to be consumed in making nitrogen and fertilizer. There will be a surplus power. Now, I think that power ought to be sold to the best advantage, because the better it is sold the more profitably you can manufacture fertilizers and the cheaper you can manufacture them. I want to say, however, that there is not sufficient power there to guarantee the building of a great transmission line. If you built it you would have to put the cost of that transmission line in the end against the fertilizers that you want to sell cheaply to the farmer.

Now, take the Alabama Power Co. It has its line at the door of this plant, and it is the only line there. That line runs into the adjoining States. It goes into the State of the Senator from Georgia. If you put into this bill a provision that the Alabama Power Co. can not become a sublessee or can not buy this power from whoever the lessee is, or the corporation, if it wants to, it means in all probability that you never can have it transmitted to your State and it means that the sale of that power must be localized at Muscle Shoals.

If I were looking at the matter from a selfish standpoint, I should welcome the Senator's amendment, because it would concentrate the sale of that power in Alabama; but I am not. What I am trying to do is to make this corporation a successful one, and I want to leave it open to anybody who will come in here and bid to buy the power at the best rate for which it can be sold, in order that it may be reflected in the real unit of production that we are after, and that is cheaper fertilizer for the American farmer.

Mr. HARRIS. Mr. President, I do not think the Senator from Alabama is fair in his criticism. There is nothing in this amendment that would prevent the lessee from selling surplus power to the Alabama Power Co. or to any other power company—nothing whatever—and it seems to me perfectly clear.

I have an amendment relating to that. The Senator has said that this amendment showed my views. Yes; I am opposed to the Alabama Power Co., or any other power company

that comes into competition with Muscle Shoals, leasing this property. I believe it would build up a power trust in our section of the country, and it is bad enough now. I am opposed to that, and I am trying to prevent it. I have two other amendments here which will prevent the leasing of the power by any other company that comes into competition with the Muscle Shoals power.

Mr. DIAL. Mr. President, I am not a spokesman for the Alabama Power Co. or for any other power company; but I have no ill will against the Alabama Power Co. or any other power company down there which has spent its money and helped develop our section of the country. I think it is unwise to try to legislate here as to details in this bill. Those matters should be left to the managers of the property.

It is perfectly natural that the Alabama Power Co., which has lines to this plant, should transmit the surplus power away from there cheaper, as the Senator from Alabama has said, than some other company could erect lines and do so. As to whether or not the Alabama Power Co. is a foreign corporation I do not know, and I do not care very much.

My understanding is that a large portion of the stock is now owned in Alabama and elsewhere in the South. At any rate, I do not feel that it is proper to criticize companies which have developed a section of the Nation and have risked their money to do so. Our people were glad to welcome them there to build dams and transmit power. There is no business in the world that I know of that is more hazardous than hydroelectric development. The owners have to contend with high water——

Mr. McKELLAR. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Tennessee?

Mr. DIAL. Yes; I yield.

Mr. McKELLAR. The Senator says he knows of no business that is more hazardous than the development of hydroelectric power. I think I saw in the morning paper where a Mr. Duke, of North Carolina, has just contributed some $40,000,000 to charitable purposes down there; and he contributed it out of hydroelectric stock, as I recall the newspaper statement. It seems to me that it is quite profitable.

Mr. DIAL. I did not say it was not profitable. It may be or may not be. The companies sometimes fail; but Mr. Duke is to be commended and not criticized for his generosity to our section of the country. My understanding is that he has never taken a dollar out of his investments; but, on the other hand, that he has spent large sums of money in developing those powers; and now he is kind enough to contribute the money to such purposes as hospitals and colleges in the States out of which he made some money. His example should be followed.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina further yield to the Senator from Tennessee?

Mr. DIAL. Yes.

Mr. McKELLAR. I did not mean to criticize Mr. Duke at all. I do not know anything in the world about the particular transaction. I am merely calling the Senator's attention to the fact that, of course, Mr. Duke got grants from the State for the development of this hydroelectric power; he had to get permits from the State before he developed the power; and, after all, I think it is very commendable in Mr. Duke to return to the public a portion of that which came from the public.

Mr. DIAL. I do not disagree with that, Mr. President. What I meant to say in stating that it was hazardous to develop water power was that great risks are taken in building dams. Often the cofferdams are washed away, the machinery is damaged, and it is a very trying task indeed to get the power harnessed in the proper way.

If power companies can not transmit power, I do not know who would transmit it. Certainly the individuals could not do it, and I see no use trying to confiscate the investments of other companies by the Government going in and running parallel lines, which would be very expensive.

Then, too, it is not only a question of transmitting the power, but there is the question of having the control of it and customers for it. These power companies are already in existence, and they have a demand for possibly all the power they develop now and will develop in the future, and they can transmit it and retail it cheaper than the Government could by building separate lines. But if they should be unreasonable in their prices, I would be in favor of the Government building lines and distributing the surplus power. However, I feel it is a matter that does not concern Congress now; that the management of the organization can take charge of that; and that we ought not to be trying to legislate for or against any particular company.

Not only that, but the rates charged would come under the commissions of the States. I believe all those States have commissions to fix the rates at which power shall be retailed to individual customers. So it seems to me to be unwise, by this amendment or any other amendment, to try to go into the details of the management of the property. The management ought to be left entirely free to use the property to the very best advantage and to make a success out of it. I want the power to be used where it is generated for the purposes mentioned. Then, if there shall be any surplus, now or hereafter, I want it to be distributed to the people who can use it to the best advantage to build up that section of the country. It is immaterial to me whether it is done by the Southern Power Co., the Alabama Power Co., or the Tennessee Power Co., or any other of those surrounding companies. They are certainly better equipped than the Government is, or some new company which might come in. The new company would simply spend extra money and would try to confiscate what is already invested, and that is the wrong spirit in legislation. I hope the amendment will be defeated.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KING. Let the amendment to the amendmnt be reported.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The PRINCIPAL LEGISLATIVE CLERK. On page 5, line 19, after the word "contract," insert:

Provided, That no lessee hereunder shall have any right to sell or transfer any lease or any interest therein which may be obtained or procured under this act without the consent of the Secretary of War.

Mr. KING. Mr. President, I have been in attendance upon committee meetings and do not know the reason for this amendment, if the Senator has assigned a reason, and with his indulgence I should be glad to inquire the purpose of the amendment. The obvious purpose of it, as I interpret it, is to prohibit any lessee, no matter what terms he may subscribe to, from assigning his contract or his lease, without the consent of the Government.

Mr. HARRIS. Without the consent of the Secretary of War.

Mr. KING. What objection has the Senator to a lessee making an assignment of his lease?

Mr. HARRIS. Mr. President, it has been understood that the Alabama Power Co., which, until a few weeks ago, was a foreign corporation, would probably try to get this lease. Suppose they should sell the stock back to the foreigners, and the company which leased this initial plant from the Government should be owned by Germany, or England, or Japan, or some other nation. Does the Senator think that would be wise? This amendment is intended to prevent that.

Mr. KING. It seems to me, if the Senator has that object in view, his amendment does not go far enough. He ought to provide that if any lessee, or his assignees, with the consent of the Secretary of War, shall make disposition of the lease to any foreign corporation, or to any corporation a majority of the stock of which is owned by aliens, then the lease shall be subject to forfeiture.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. KING. I am only propounding these questions to get the view of the Senator and to get the objects which he has in view.

Mr. McKELLAR. Mr. President, I have an amendment which I am going to offer in a few moments and which I shall ask the Senator from Alabama to accept. I imagine it will be accepted. It is on this very subject and is as follows:

Provided, That said lease shall be made only to an American citizen, or citizens, or to an American owned, officered, and controlled corporation and, if leased, in the event at any time the ownership in fact or the control of such corporation should directly or indirectly come into the hands of an alien or aliens, or into the hands of an alien owned or controlled corporation or organization, then said lease shall at once terminate and the properties be restored to the United States. The Attorney General of the United States is given full power and authority and it is hereby made his duty to proceed at once in the courts for cancellation of said lease in the event said properties are found to be alien owned or controlled and are not voluntarily restored.

Mr. UNDERWOOD. Mr. President, I will say to the Senator from Tennessee that I have no objection whatever to that amendment. This is a powder plant. Essentially it should not be under or controlled by a foreign corporation. Of course, I did not provide for that in my amendment, be-

cause I assumed that the Secretary of War would not make such a lease. But if the Senator desires it, I have no objection to that going in.

Mr. McKELLAR. In my opening statement I said that I knew the Senator from Alabama would not object to it.

Mr. UNDERWOOD. That is a very different proposition from the one the Senator from Georgia [Mr. HARRIS] is making. The Senator from Georgia says I do not understand this proposal. Perhaps I do not; but I can only take his language. It seems to me from his language that he is trying to put out some competitors who may come in to buy this power and distribute, and I want it wide open. I want the Government to get as much for it as it can.

As to the foreign corporations, of course I am in entire accord with what the Senator from Tennessee has to say, and if that is all the Senator from Georgia wants, I will accept the amendment of the Senator from Tennessee as far as I can accept it, and the purpose of the Senator from Georgia will be accomplished. But if he is trying to head off somebody in the South from becoming a bidder, or from distributing this power, for some reason of his own, I am not in favor of that. I think we ought to leave it wide open so that we can do the very best we can to make this proposition a success.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. HARRIS] to the amendment proposed by the Senator from Alabama [Mr. UNDERWOOD], on which the yeas and nays have been ordered, and the Secretary will call the roll.

The principal legislative clerk proceeded to call the roll.

Mr. NORRIS (when Mr. LA FOLLETTE'S name was called). I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is detained from the Senate by a slight illness, would if present vote "yea" on this question.

The roll call was concluded.

Mr. BAYARD. I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. In his absence I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. JONES of Washington (Mr. WILLIS in the chair). I again announce the necessary absence from the city of the senior Senator from Indiana [Mr. WATSON]. I ask that this announcement may stand for the rest of the day.

I also desire to announce that the senior Senator from West Virginia [Mr. ELKINS] is paired with the senior Senator from Oklahoma [Mr. OWEN].

Mr. HARRELD. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I do not know how he would vote if present, and in his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. FLETCHER (after having voted in the affirmative). I have a general pair with the senior Senator from Delaware [Mr. BALL]. In his absence I transfer that pair to the senior Senator from Montana [Mr. WALSH], and allow my vote to stand.

The result was announced—yeas 29, nays 37, as follows:

YEAS—29

Ashurst	Frazier	McKellar	Sheppard
Brookhart	George	McKinley	Shipstead
Bruce	Harris	McNary	Smith
Capper	Heflin	Mayfield	Walsh, Mass.
Copeland	Howell	Neely	Wheeler
Dill	Johnson, Calif.	Norris	
Ferris	Johnson, Minn.	Overman	
Fletcher	Jones, N. Mex.	Ralston	

NAYS—37

Broussard	Fess	Lenroot	Stanley
Bursum	Glass	McLean	Sterling
Butler	Greene	Means	Swanson
Caraway	Hale	Moses	Trammell
Curtis	Harrison	Oddie	Underwood
Dial	Jones, Wash.	Pepper	Wadsworth
Edge	Kendrick	Phipps	Willis
Edwards	Keyes	Robinson	
Ernst	King	Smoot	
Fernald	Ladd	Spencer	

NOT VOTING—29

Ball	Gerry	Pittman	Stephens
Bayard	Gooding	Ransdell	Walsh, Mont.
Borah	Harreld	Reed, Mo.	Warren
Cameron	La Follette	Reed, Pa.	Watson
Couzens	McCormick	Shields	Weller
Cummins	Metcalf	Shortridge	
Dale	Norbeck	Simmons	
Elkins	Owen	Stanfield	

So Mr. HARRIS'S amendment to Mr. UNDERWOOD'S amendment was rejected.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The question is on the amendment offered by the Senator from Alabama [Mr. UNDERWOOD].

Mr. HARRIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. At the end of section 4 insert the following:

In order that such fertilizer products may be fairly distributed and economically purchased by farmers and other users thereof, the Secretary of Agriculture of the United States shall determine the fair and equitable territorial distribution of the same and may in his discretion make reasonable regulations for the sale of all or a portion of such products to farmers, their agencies, or organizations; the said Secretary of Agriculture shall also have the right to determine whether the profit being charged for said fertilizer products is in excess of 8 per cent of the fair annual cost of the production thereof by the lessee or corporation. In the sale of such fertilizers preference shall always be given to farmers in the purchase thereof.

Mr. HARRIS. Mr. President, this amendment is intended to accomplish two purposes: One is to prevent a profit in excess of 8 per cent being charged on the fertilizer by the lessee or corporation, and the other is to prevent them from selling all of the fertilizer manufactured to any one section or State. For instance, there will not be enough fertilizer manufactured to be distributed all over the country. Unless such an amendment is adopted, under the terms of the bill the fertilizer can all be sold to a certain section, or to one State, or to one section of a State. The amendment would allow the Secretary of Agriculture of the United States to see that it was distributed to different sections and not discriminate against the farmers in any of the territory to be supplied.

Mr. UNDERWOOD. Mr. President, I do not like to oppose amendments offered by my neighbor from Georgia, but I think this amendment would only tend to hamper the object of the bill instead of advancing it. Whether it is a lessee or whether it is a corporation, if we are going to accomplish the desired result of manufacturing nitrogen for defense in time of war and fertilizer for the farmers in time of peace, we had better let the management have a free hand to do the best it can without tying it up by machinery that it has not thought out and that we do not know about now.

So far as the particular amendment is concerned, we have placed the management of the corporation, if it becomes a corporation, in the hands of five men to be appointed by the President. Why should we pick out some other bureau or department to interfere with what they are to do? If it is a lessee, we all know that we should let him sell as much fertilizer and as profitably as can be done. The lessee or corporation, under the terms of the bill, is not going to make enough fertilizer to supply all the farmers of America.

The maximum production that we will probably get will be 2,000,000 tons of the lowest grade of fertilizer, 2–8–2. The annual consumption of fertilizer in the United States, according to the figures for last year, is something approximating 7,000,000 tons, so the output of this enterprise would be two-sevenths of the entire consumption. To say to the lessee or to the corporation, "You must comply with the orders of the Secretary of Agriculture in the distribution of your fertilizer and see that it goes to California and Maine as well as to Georgia and Alabama, and pay the freight rates in the distribution thereof," merely means that we are going to make it more difficult for the corporation or lessee to make money out of the sale of the product.

The way to serve the farmers of America and to accomplish the desired result is to get a lessee in charge of the enterprise who can not under the terms of the bill make over 8 per cent profit, and then let him go out and sell the fertilizer in the nearest market in which he can make a profit and demonstrate under this method that it can be made profitably. When that is done we will in that way invite men in the Rocky Mountain region and men in the southeastern territory and men in other parts of the country to go into the same business because it is profitable and serves the farmers of America without having high freight rates to pay. It is perfectly apparent that if the corporation could sell at a profit in Alabama, and then we compel it under orders of the Secretary of Agriculture to sell a portion of its product in California, that we have destroyed it. I will say to the Senator from Georgia, with reference to pig iron, because I am familiar with that, that we can sell pig iron from the Birmingham district in the South and East, but we can not carry it to California and sell it, because we can not pay the high freight rates. Fertilizer is a good deal like pig iron in that respect. The freight rate is a very material part of its cost.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I yield.

Mr. REED of Missouri. Is it not perfectly obvious that if fertilizer is manufactured and sold in any part of the United States it has to be sold on the general price level, and that it furnishes that much of the supply, and in so far as it increases the supply it decreases the general price level everywhere.

Mr. UNDERWOOD. That is undoubtedly true. I do not like to differ with my friend from Georgia, but these efforts to sit here and tell a business man how he must run this business to make it successful by tying his hands with machinery I think are absolutely against the objective that we have in mind in trying to create cheaper fertilizer for the farmers of America through the lease or the corporation under the terms of the bill. I see no reason in the world why we should inject the Secretary of Agriculture into the matter.

So far as the Secretary of Agriculture finding out whether they are living up to the terms of the contract, the Senator from Georgia evidently has not read the bill, or if he has read it, he has not analyzed it, because the bill requires that an audit should be made of the accounts every year and that audit submitted to Congress. The Congress, when that audit is laid before it in detail, can determine for itself whether those people are living up to the terms of the contract or not.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. UNDERWOOD. I yield.

Mr. KENDRICK. I want to ask the Senator about the question of interest payments or percentage payments on the Government property. I note at the bottom of page 4 that he requires that the lessee shall pay 4 per cent on the cost of Dam No. 2.

Mr. UNDERWOOD. Not less than that amount.

Mr. KENDRICK. Is it the Senator's idea that the lessee shall have the use of the incidental properties, the manufacturing plants, and the towns and villages and all the other property rent free?

Mr. UNDERWOOD. Yes; but allow me to explain. The Senator probably was not here the other day when I made my speech on the subject or did not hear that portion of it, because I explained it then, but I am very glad to explain it again. Dam No. 2 alone could be leased at 5 per cent of its actual cost, including money wasted and money that was not wasted. I can say that authoritatively, because I have had gentlemen say so who are interested in making the lease. I am saying that so the Senator may see what I have in mind. Five per cent would amortize the dam in 20 years, so it is 100 per cent security so far as that is concerned. But I am proposing that if a lessee shall make nitrogen for 100 years to sustain the arm of defense of this country in time of war and in time of peace convert that product into fertilizer for the benefit of the agricultural people of America we shall give him indirectly a bonus, and that bonus is that he can buy power 1 per cent cheaper on the investment than anybody else can and that he can have the nitrate plant without any money payment toward a lease. That is my viewpoint, but I do not fix it in that way positively. I say it shall not be leased for less than that amount, but the Secretary of War is to determine with the lessee what he shall pay. Of course, the Secretary of War when he goes to make the lease can charge whatever he wants to demand or whatever he can get, and he can raise the rate under the lease very much higher than 4 per cent on the cost of the dam if he sees fit to do so.

But the Senator will see that that has nothing to do with the legislation. So far as I am concerned, I am perfectly willing that this entire property shall be leased at 4 per cent on the dam, which would be about $2,000,000 a year. I admit that it would be cheap power and a cheap lease, but I am willing to do that because I think it is worth while to have a private lessee keep us supplied with 40,000 tons of nitrogen every year for national defense; further, because I think it is worth while for the Government to make a real effort to cheapen the cost of fertilizer to the farmers of America; and I consider that the latter proposition of furnishing cheaper fertilizer, which adds to the food production of America, is second only to national defense in time of war.

Mr. KENDRICK. Mr. President, I fully agree with the statement made by the Senator from Alabama, and I wish to say here that I agree entirely with the plan and purpose of his bill. The only question is as to the method that we shall employ.

As I understand the Senator, it is his contention that the rent-free property granted to the lessee will be reflected in a cheaper fertilizer to the farmer?

Mr. UNDERWOOD. Necessarily so, because the lessee in his profit is limited to 8 per cent; and, of course, if he gets the power cheaper he will have less to pay or if he sells it he obtains more profit out of it.

Mr. KENDRICK. Does not the Senator believe that it should be written into the proposed law that account of that shall be taken in estimating the cost?

Mr. UNDERWOOD. It is in the proposed law, for it provides that his profit shall be 8 per cent on his cost, and that is the cost of the whole enterprise. Cost is cost, as the Senator knows.

Mr. KENDRICK. I understand that; but, according to the computation here, it would be an annual cost, and not a cost on the turnover, as it is called.

Mr. UNDERWOOD. The annual costs are always added in the turnover, as in the case of a great furnishing store which will turn over its business maybe two or three times a year; but at the same time it has its overhead and its office charges which run during the year and a proportionate amount is all added into the turnover charge. There is no question in bookkeeping, in my judgment, that the cost of the power is a part of the cost of the plant; and that is my purpose. I have no doubt the Secretary of War, if he writes the lease or the contract, will use such language as will make it perfectly plain if the bill does not do so now, but I think it does.

Mr. KENDRICK. The Senator will agree that there should be no doubt about it as the law shall be written?

Mr. UNDERWOOD. I do. I am trying to sell a very cheap power to a lessee, a power that is concededly cheap, in order to induce the lessee to come in and do something else which I desire shall be done.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia [Mr. HARRIS].

Mr. HARRIS. Mr. President, under the substitute as it is now drawn all of the fertilizer provided for could be sold in the State of Alabama or a section of that State. I am sure the Senator from Alabama is not opposed to the amendment on that ground, but for him to say that under the amendment the corporation would be compelled to send fertilizer to Maine or to California is exaggerating what the amendment is intended to do. If adopted, the amendment will protect every section which can pay the railroad freight and buy the fertilizer to be manufactured at Muscle Shoals, and unless some amendment like this is adopted under the proposed law, as at present drawn by the Senator, the power company or the corporation could sell all the fertilizer manufactured at Muscle Shoals to one corporation in one State or section. It might sell it to the fertilizer trust, if there should be one. This amendment is to require that the Secretary of Agriculture shall see that the fertilizer is distributed to farmers and give all the farmers the benefit of it. That is all there is to it. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. In his absence I withhold my vote. If I were allowed to vote, I should vote "nay."

The roll call was concluded.

Mr. OVERMAN. I have a general pair with the Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

The result was announced—yeas 18, nays 47, as follows:

YEAS—18

Ashurst	Harris	Neely	Sterling
Borah	Johnson, Minn.	Norris	Swanson
Brookhart	Lenroot	Sheppard	Trammell
Frazier	McKinley	Shipstead	
George	Mayfield	Smith	

NAYS—47

Ball	Fernald	Keyes	Ralston
Broussard	Fess	King	Reed, Mo.
Bruce	Fletcher	Ladd	Robinson
Butler	Glass	McKellar	Shortridge
Capper	Greene	McLean	Smoot
Copeland	Hale	McNary	Spencer
Couzens	Harrison	Means	Stanley
Curtis	Heflin	Metcalf	Underwood
Dial	Johnson, Calif.	Moses	Wadsworth
Dill	Jones, N. Mex.	Oddie	Walsh, Mass.
Edge	Jones, Wash.	Pepper	Willis
Ernst	Kendrick	Phipps	

NOT VOTING—30

Bayard	Caraway	Edwards	Gerry
Bursum	Cummins	Elkins	Gooding
Cameron	Dale	Ferris	Harreld

Howell	Owen	Simmons	Watson
La Follette	Pittman	Stanfield	Weller
McCormick	Ransdell	Stephens	Wheeler
Norbeck	Reed, Pa.	Walsh, Mont.	
Overman	Shields	Warren	

So Mr. HARRIS's amendment to Mr. UNDERWOOD's amendment was rejected.

Mr. GLASS. Mr. President, I send to the desk an amendment to the amendment, which I am assured the Senator from Alabama will accept. I ask that the amendment to the amendment may be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The PRINCIPAL LEGISLATIVE CLERK. In the amendment in the nature of a substitute offered by the Senator from Alabama it is proposed, on page 14, to strike out line 18 and line 19 down to the period in the following words:

The Federal reserve banks shall be authorized to receive deposits of the corporation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia to the amendment of the Senator from Alabama.

Mr. UNDERWOOD. Mr. President, I wish to say only a word or two. I had inserted in my amendment a provision to the effect that deposits of the corporation should be made in the Federal reserve banks. I did so because there is a fund to be accumulated, and I thought that was a safe place for the deposit of that fund. I find, however, that the provision is objectionable to some of my colleagues in the Senate on the basis that the true functions of the Federal reserve banks do not contemplate such deposits, and I do not care to make a contest over that question in the bill. Therefore I have no objection to the provision being eliminated. It is merely a question where the funds shall be deposited.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. McNARY. I do not wish to intrude my statement until the amendment proposed by the Senator from Virginia has been determined.

Mr. UNDERWOOD. That is all I have to say.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Virginia to the amendment of the Senator from Alabama [Mr. UNDERWOOD].

Mr. SMOOT. I ask that the amendment to the amendment be stated.

The PRESIDING OFFICER. The amendment to the amendment will again be stated for the information of the Senate.

The READING CLERK. On page 14 of the so-called Underwood amendment it is proposed to strike out line 18 and part of line 19, reading as follows:

The Federal reserve banks shall be authorized to receive deposits of the corporation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Virginia to the amendment of the Senator from Alabama [Mr. UNDERWOOD].

The amendment to the amendment was agreed to.

Mr. McNARY. Mr. President, a few days ago I gave the usual notice to this body that at the proper time I would propose an amendment to the amendment offered by the Senator from Alabama [Mr. UNDERWOOD] as an amendment to House bill 518. At this time I offer the amendment to the amendment, and ask that it may be read.

The PRESIDING OFFICER. The amendment offered by the Senator from Oregon to the amendment of the Senator from Alabama will be read.

The READING CLERK. In the amendment proposed by the Senator from Alabama [Mr. UNDERWOOD], on page 4, line 25, after the word "contract," it is proposed to add the following:

The lease in so far as relating to Dam No. 2, its power house, machinery, and equipment, the steam plant at Sheffield, and all lands in connection therewith, shall be made subject to and in accordance with the provisions of the Federal water power act.

Also, in line 1, on page 5, for "said property" substitute the words "all property leased."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oregon to the amendment of the Senator from Alabama.

Mr. UNDERWOOD. Mr. President, unless the Senator from Oregon desires to address the Senate, I wish to say something about the amendment to the amendment before the vote is taken.

Mr. McNARY. I desire to speak very briefly on the amendment to the amendment unless the Senator from Alabama desires to accept it. In that case I shall not detain the Senate.

Mr. UNDERWOOD. I can not accept the Senator's amendment. I think it is entirely contrary to the theory of the proposed substitute as drawn.

Mr. HARRISON. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. McNARY. I yield for a question only.

Mr. HARRISON. I have suggested that I am going to offer an amendment to the substitute proposing to put Dam No. 3 under the same restrictions and provisions as Dam No. 2. I notice the amendment of the Senator merely applies to Dam No. 2. Of course, if it should be adopted, I understand he would want it to apply also to Dam No. 3.

Mr. McNARY. If the Senator wants to offer that amendment at this time, and the parliamentary situation is such that it would be proper to do so, I shall be very glad to accept it.

Mr. HARRISON. I was going to offer it as soon as these other amendments are out of the way.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Washington?

Mr. McNARY. I yield to the Senator.

Mr. JONES of Washington. I just heard the Senator's amendment read. Does the Senator's amendment place the charges for power developed at this dam under the water power act?

Mr. McNARY. It would, naturally, for the power that is distributed to consumers of hydroelectric energy.

Mr. JONES of Washington. I did not hear any reference to charges for power in the reading of the Senator's amendment, and I wanted to be sure whether or not the Senator intended to cover that.

Mr. McNARY. The Senator from Washington is so conversant with the water power act, which he fathered through the Senate, that he must recall the commission in that case can, for the purpose of fixing a rate, specify in the contract a charge which the lessee must observe.

Mr. JONES of Washington. Yes; I know it.

Mr. McNARY. I do not interfere with that provision at all.

Mr. JONES of Washington. I wanted to see if the Senator, by his amendment, brought the disposal of power under that provision of the water power act.

Mr. McNARY. I hope to; otherwise, the amendment would be nugatory.

Mr. JONES of Washington. I was rather inclined to think so, and yet I wondered if the language that the Senator uses would accomplish that purpose.

Mr. McNARY. If it can be better accomplished with other expressions, I shall be very happy to have them suggested.

Mr. JONES of Washington. I just heard it read, and I simply wanted to get the Senator's idea.

Mr. McNARY. I think we are quite in accord.

Mr. McKELLAR. Mr. President——

Mr. McNARY. I yield to the Senator from Tennessee.

Mr. McKELLAR. I thought the Senator was going to take his seat, and before he took his seat I wanted to ask him a question; but in what he is about to say he may speak of the very thing I want to ask him about.

Mr. McNARY. I again assure the Senator from Tennessee that I shall be brief. I want only a few moments.

Mr. President, it is not my purpose to shorten the arms of the Secretary of War with regard to the making of this lease or with regard to transferring the rights there to the licensee, or to impair in any way the administration of this legislation, if it should become such. I do not want the licensee at Muscle Shoals to have any special advantage over the licensees in other power developments on the public domain or on our navigable rivers. I recall, as a resident of a far-off Pacific State, that for very many years an effort was made through this country to establish a national plan for the development of our water-power resources. Indeed, a decade of debate raged in this body and in the House of Representatives regarding whether or not we should have a national policy. I want to adhere to the national policy that is written in the Federal water power act. If that is done, Mr. President, the licensee in this particular case would have no advantage over the licensees in other water-power developments.

Since the water power act was enacted on the 10th day of June, 1920, there have been 308 distinct permits, all of these licensees operating under and being regulated by the wise provisions of the water power act. In doing that we estab-

lished a national policy. You will all recall, those who were here, that in 1906 the first effort was made by this body and the House to adopt a national plan. You will recall that the tenure which these licensees would have held was so uncertain that no applications were made under the act of 1906, or very few indeed. A further effort was made by Congress in 1910 to strengthen the act of 1906, without success, because it did not give to the licensee a proper basis for the estimation of the value of his property at the time of the expiration of the contract.

During all these years of water-power development in this country the law was so uncertain in the matter of what should be the proper basis for rate fixing, the tenure, and all matters of control, including what the licensee should receive at the expiration of his contract, that those who had money to invest did not seek this field; and, Mr. President, they did not seek this field until the enactment of this law, under which I propose, if I shall have my way, that this contract shall be made.

This is the only great, big power that is being operated today that is not under the water power act. The great power developed by the Alabama Power Co., as I recall, as a matter of history, was erected under a special act of Congress passed in 1906. They came back in 1912 for certain rights on the Coosa River in Alabama. Congress passed a special act granting certain water rights to the Alabama Power Co. at that time, but President Taft vetoed the bill upon the theory that it did not protect the interests of the public. Later on, the great development on the Connecticut River and the large development at Niagara Falls came under the purview and operation of the water power act. So to-day, Mr. President, there is not a great water power operating on the navigable streams nor on the public domain that is not under the provisions of this act.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. McNARY. I yield to the Senator from Tennessee.

Mr. McKELLAR. I call the Senator's attention to the powers given to the Secretary of War on page 5, section 5, of the Underwood bill. I read:

> The lease shall also provide the terms and conditions under which the lessee may sell and dispose of the surplus electric power created at said plants. The lease shall also provide for the protection of navigation—

And so forth. The Secretary of War is given the power to make the contract.

Mr. McNARY. Oh, yes.

Mr. McKELLAR. And unless those words are modified or stricken out, I am inclined to think that that would be in conflict with the amendment the Senator has offered, with which I am in considerable sympathy, and I hope it may be so that I can vote for it.

Mr. McNARY. I thank the Senator from Tennessee for his suggestion. The complaint I have about the language just read by the Senator from Tennessee, found in section 5 of the Underwood amendment, is that it is too general. It is not specific. It is not calculated to protect the interest of the public, the consumers, the men who furnish the money to start this great project.

I do not think, as the Senator from Tennessee evidently thinks, that section does come in conflict with the provisions of the water power act. There must be some latitude left to the Secretary of War with regard to making contracts covering the manufacture of nitrates. I am willing to give him wide discretion in that matter; but in power used for other purposes, for hydroelectric energy or chemicals or lifting water for purposes of irrigation, if such there be, that great power then would come in competition with all other powers in the country, and should be subjected to the same regulatory provisions.

Mr. President, when this Government enters upon a national policy or a plan which is the culmination of years of study and faithful consideration by Congress, I do not think we should abandon it lightly or at all. Take the great reclamation system in the West: Who would consider to-day the advisability of going back of that system, enacted in 1902, and voting money out of the Treasury of the United States for specific contracts upon an entirely different proposition? It has not been done for 22 years. It will not be done for 22 years more. We have defined a policy in the administration of our national forests. A great policy has been laid out and followed. In the improvement of our rivers and harbors a great policy has been laid out. We in the West, who face the Pacific Ocean, who have faith in our projects, put up 50 cents out of every dollar that is contributed for the improvement of our harbors in order that we may reach the markets of the world. That is a policy that has been adopted. I would not have the courage to come before Congress and ask that 100 cents be appropriated out of the Treasury of the United States and no money out of the treasuries of the various States where these particular projects are to be improved.

Therefore, in this particular instance, having defined our policy regarding the development of our water-power resources on our public domain and on navigable rivers over which we have jurisdiction by virtue of the provisions of the Constitution with reference to the regulation of commerce, I think it would be singularly unfortunate if the Secretary of War might make a lease with a license freed from the provisions of the water power act. It would work infinite damage to those holding permits, 308 in number and others to follow, all subject to this great act of legislation. It would work perhaps an irreparable injury upon the consumers of power in the years to come. There must be some regulation. If the cost of operation decreases, if by the creation of reserves for the purpose of lessening the indebtedness a lower rate can be given to the consumer, he must have this advantage, such as is given by the water power act.

Mr. KENDRICK and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield; and if so, to whom?

Mr. McNARY. I yield first to the Senator from Wyoming, who was first on his feet.

Mr. KENDRICK. Mr. President, I did not hear the amendment read. I therefore wish to ask the Senator whether his amendment would apply in this case only to such power as would be sold for commercial purposes from this Muscle Shoals Dam? In other words, the Senator will note from the bill that the power at Muscle Shoals Dam No. 2 is dedicated to certain purposes. I assume, therefore, that the plan of his amendment is to have it apply to such power as will be sold in the regular way.

Mr. McNARY. I conceive that to be the manner in which the amendment would operate.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. McNARY. Gladly.

Mr. SMOOT. In reading the Senator's amendment I take it for granted that if at any time there is any power created at Dam No. 2 and used for any purpose it would fall within the provisions of the Federal water power act; or, in other words, if in the future at any time—it may not happen, and it may—part of the power created at Dam No. 2 is used for the manufacture of fertilizer, it would have to pay the charges imposed by the Federal water power act?

Mr. McNARY. I am taking this view of that matter, and I do not know how it could be remedied by an amendment, because I will state to the Senator from Utah that there is no human agency existing now, or perhaps in the future, that can allocate the amount that should go into fertilizer or into water power for distribution purposes.

Mr. SMOOT. The amendment could specifically provide that. In other words, it could provide for taking the surplus power over and above that used for the purpose of manufacturing fertilizer.

Mr. McNARY. Probably so. That occurred to me in discussing the matter with the drafting bureau; but I assume that when the great purposes of this act are understood—namely, the manufacture of nitrates in time of war and fertilizers in time of peace—a latitude should be given the Secretary of War to use power for that purpose.

Mr. SMOOT. He could not do it under the water power act.

Mr. McNARY. I appreciate that.

Mr. SMOOT. The time may never come when that power will be used.

Mr. McNARY. Yes; but I assume that this act being a later act and covering a specific subject, whenever it came in conflict with the water power act the water power act would yield to this act, perhaps.

Mr. SMOOT. Not under this amendment.

Mr. McNARY. Further than that, I do not think the criticism would lie there, because I do not believe that power will be used.

Mr. SMOOT. That may be. I am only asking the question to clear my understanding of the amendment.

Mr. McNARY. I am trying to present to the Senator from Utah as best I can the various reasons for using the language in that form. I think, as was so well stated here a few days ago by the distinguished Senator from Nebraska [Mr. NORRIS], that there will ever be a diminishing demand for water power in the production of nitrates, and for that reason I do not believe that Dam No. 2 will ever be called upon for that pur-

pose. I think its great use will be for commercial and industrial development in the South, and when it gets into that field I can conceive of no reason why this power should be released from the obligations fastened upon all those licensed under the water power act. For that reason I have offered this amendment.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Oregon yield to the Senator from Washington?

Mr. McNARY. I yield to the Senator.

Mr. JONES of Washington. I merely wish to suggest some addition to the amendment to make clear, I think, what both the Senator and I would like to see done. I am in hearty accord with the purpose of the Senator's amendment, but it seems to me that the language of the amendment does not cover the disposition of power at all. It provides:

> The lease, in so far as relating to Dam No. 2, its powerhouse, machinery, and equipment, and the steam plant at Sheffield and all lands in connection therewith, shall be subject, etc.

There is no reference there to power at all. I suggest, after the word "therewith" at the end of line 4, to insert "and the disposition of surplus power." It seems to me that would make it perfectly clear.

Mr. McNARY. I thank the Senator for his courtesy and suggestion. I am very glad to accept it, because I appreciate that it makes the amendment very much clearer.

Mr. UNDERWOOD. Mr. President, I desire to say a few words with reference to the amendment, but if I may have the attention of the Senator from Oregon, I would like to ask him a question: Did I understand that his purpose in offering this amendment was to provide for the regulation of the sale of the power?

Mr. McNARY. That is only an incident to the water power act.

Mr. UNDERWOOD. Will the Senator tell me, if his purpose is not to provide for the regulation of the sale of the power, then what other provisions of the water power act does he wish to invoke?

Mr. McNARY. Under the water power act, at the termination of the 50-year period, the Government would have the right to acquire the property and transfer it to municipal or certain public uses or re-lease it for a given period of time to the lessee upon a valuation fixed and reported during the time of the existence of the lease. That is one of the provisions. I might get the water power act here and read the beneficial provisions——

Mr. UNDERWOOD. I have the water power act right before me.

Mr. McNARY. I suggest that the Senator consult the water power act.

Mr. UNDERWOOD. I want to get the Senator's reasons for suggesting this amendment. He says one reason is that he wants regulation. Another is that he wants the property returned in 50 years, so that the Government can dispose of it. Has the Senator any other reason?

Mr. McNARY. I want those who have the right by contract to operate this plant and sell the energy to be on the same footing as are those operating on the other navigable streams of the public domain throughout this country. I want common fairness between these people and all others who come within its provisions, and no special privileges to anyone.

Mr. UNDERWOOD. There is one other proposition the Senator has not mentioned, if that is all he has in mind. There is a small charge against the power used by a public corporation that has to go to a bureau here in Washington. Does the Senator want it for that reason?

Mr. McNARY. I hardly think that is a fair statement for the distinguished Senator from Alabama to make.

Mr. UNDERWOOD. I am trying to find out the basis of the Senator's amendment, so that I can make my argument.

Mr. McNARY. There is a provision in the water power act whereby after 20 years of operation the water power commission can create a reserve for the purpose of reducing the indebtedness or the capital investment, thereby lowering the rate of charge to the consumer. I will ask the Senator from Alabama if he has any objection to that wise provision of the water power act?

Mr. UNDERWOOD. I am sure the Senator has not analyzed my amendment or he would not make that suggestion. I was trying to find out, in addition to all the Senator has suggested, whether he had in mind a small fee—and it is not so small, either—which goes to a bureau chief here in Washington. Does the Senator think that is not material? Or does he want that to apply?

Mr. McNARY. I think I answered that in a general way a moment ago. The thing must occur to the Senator, and I know that it does occur to him, because I believe he understands this measure. I think he does know something about the provisions of the water power act, too. There are certain restrictions of advantage to the public which I want to see applied to all licensees that generate power on the navigable streams. I do not want your licensee down in Alabama, whoever it may be, working under a contract to the disadvantage of the one operating in California or any other place in the far West.

Mr. UNDERWOOD. The Senator is thoroughly right about that, if his assumption is true. If the amendment I have proposed would bring about a condition whereby the licensee under it could operate, and where it would be effective against another licensee, I would not complain when he expressed the desire to have them all put on an equal footing. But his legal assumption is not true, because he has not analyzed my amendment.

If the Senator and the Senate will allow me, I will say that I see no reason on earth why this amendment to my amendment should be adopted, unless it is to allow a bureau here in Washington to stick its nose into this business and get a fee for it. I know many of these bureaus want to have their hand in everything that Congress does. There is no machinery of government you can create to which they do not want their bureau attached and in connection with which they do not want to get a fee. I think that much would be accomplished if the Senator's amendment were adopted—that you would have a bureau chief interfering with this lessee. But we want to make fertilizer as cheaply as possible.

Mr. McNARY. Will the Senator yield for a question?

Mr. UNDERWOOD. Yes; I am glad to yield.

Mr. McNARY. I appreciate that the remarks the Senator is making contain more or less poison against bureaucracy. Beyond that they have no weight or application, in my opinion. But, to be fair, this fee does not ultimately go into the coffers of the licensee. The fee that is given there is for the purpose of amortization and for liquidating the indebtedness.

Mr. UNDERWOOD. I am sure the Senator does not understand my amendment, or he would not say that.

Mr. McNARY. The only fee possible would be that for administration, and that is nominal.

Mr. UNDERWOOD. I know, but the Senator has so far, and I am afraid the Senate may have, misunderstood this situation, and I want to get right down to it. I asked the Senator these questions because I wanted to bring out really what he had in mind, and I see that the Senator has not grasped the provisions of this amendment. The general water power act applies to a private citizen who goes to the Government and asks for a permit to dam a river for his own benefit, and it is a very useful and beneficial act under those circumstances. It provides the rules and regulations under which he can accomplish that result, the citizen dealing with the Government. Here we have a case entirely different from that. The Senator says it should be amortized.

Mr. McNARY. I would like to know wherein this lease, outside of the production of fertilizer, differs, when made by the Government with a private individual, from a lease made upon any other navigable stream.

Mr. UNDERWOOD. The Senator does not seem to realize that this power plant belongs to the Government of the United States now. Under the water power act, if the Government grants a 50-year lease to a citizen of the United States, it makes him amortize, so that the Government at the end of the 50 years gets the right of disposal of the property, the right to capture it away from the citizen who has gone to work and developed it. That is one of the provisions of the water power act. It is the Government taking control away from the citizen at the end of 50 years, the citizen to get back the money he put into it, giving an opportunity for the citizen to make a charge through the 50 years, so he gets paid back, and then turns the plant over to the Government. We are starting right now with the Government in possession, in ownership, and it is to continue to be in ownership.

Mr. McNARY. Will the Senator yield there?

Mr. UNDERWOOD. Certainly.

Mr. McNARY. That distinguishing feature does subsist between this proposal and any other only with regard to the property, and the turning of it back. That is only one of the very many elements embraced in the water power act.

Mr. UNDERWOOD. I am going to discuss the others. If the Senator has conceded that, I will go on to the next. Of course, the property belongs to the Government. Why does the Government want to set up a recapture fund against itself, or an amortization fund against itself? The lease in this bill

provided runs for only 50 years, the term of the Federal power act, and at the end of the 50 years it will expire whether a Government corporation has it or a lessee has it, and the property will be in the hands of the Government itself, just where the water power act would put it at considerable expense. That is that proposition, which does not apply.

The next proposition is that the Senator says that he thinks this property ought to be operated by the Government on the same terms under the water power act under which it would be operated in his part of the country or anywhere else. I am not so sure of that; but it is not necessary to go any further than that statement.

Of course, I would make a distinction, and I am trying to make a distinction, between the production of fertilizer for the benefit of the great American people and an ordinary business. As I have said repeatedly in this debate, I think next to the national defense cheap fertilizer is the greatest boon to the American people, and I am not disposed to do anything that will make the farmer's burden in that respect heavier or prevent a lessee or a Government corporation from making fertilizer cheap. But that does not apply.

I have the water power act in my hand, and sections 18 and 19 relate to the regulation of the sale of power by the Government, as the Senator will see if he will refer to them. I will not bore the Senate by reading to it all the terms of this regulation of power. I merely want to read the proviso at the end. After the water power act provides for the regulation of power by the Federal Government, at the end of section 19, on page 12, it says:

Provided, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

In other words, that your entire regulation by this commission under this bill which you seek to inject as an amendment to the law falls as soon as there is State regulation. Is not that true?

Mr. McNARY. Yes; that is true.

Mr. UNDERWOOD. I know it is true of Alabama, and I am informed that every State where it would be possible to send its power over a wire and sell it has already State regulation for the sale and use of power. Of course, the terms of the bill would not apply, because under the proposal of section 19 the State regulation for the disposition and sale of power applies. But I can make that certain——

Mr. McNARY. Will the Senator permit me to ask him a question, and will he endeavor to answer it?

Mr. UNDERWOOD. Certainly.

Mr. McNARY. There is no question that the State has a separate right provided they have enacted legislation?

Mr. UNDERWOOD. They have. That is my information.

Mr. McNARY. Is it not true, however, that it has been held that Congress alone has the authority to fix the base upon which rate fixing shall be made, and that is on the actual net investment, and that is the basis which the State takes from the Government when operating through the regulatory channels? I think it is fair to say that.

Mr. UNDERWOOD. In the first place, I do not think they alone have the power, but in the next place, if the Senator will read the proviso, I think he will see that the power act itself abandons that provision because it says:

Provided, That the jurisdiction of this commission shall cease—

Can we get any stronger language than that to cut them out?—

and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission.

Mr. McNARY. It is true the Government has agreed to abandon regulation, provided regulation is on the State statute books, but what is the basis for State regulation upon the navigable streams? It is that which has heretofore been prescribed by the Congress of the United States.

Mr. UNDERWOOD. I understand, but there is not a word in the water power act that says the State shall take a Government valuation of anything. It merely says the commission shall get out when the State starts to regulate, and the States do regulate.

Mr. McNARY. I did not say there was any such thing in the act. I am speaking about the construction that has been placed upon the act and what is the legal aspect of the proposition.

Mr. UNDERWOOD. The Senator knows we can not, by construction, put something into an act that is not there. We can not put any construction upon the act if there is no fundamental term there upon which to base it. The minute there is regulation in the State the Federal power act ceases to apply.

But that is not why the Senator wants the Federal water power act injected into the pending legislation. I want to call attention to section 10 of the amendment which I have proposed, and which reads as follows:

The surplus power not required under the terms of this act for the manufacture of nitrogen or fertilizer when sold or used shall be subject to the laws, rules, and regulations relating to the sale and use of electric power in the several States in which said power is used.

Those are the identical terms of the Federal water power act relating to regulation and sale when the State commissions have been appointed as they have in these several States wherever the power could possibly reach. But there is a provision in the water power act, and I was very careful to ask the Senator about it. I am not saying this in criticism of the Senator from Oregon at all. The Senator awhile ago said he was not familiar with my bill, and I think he has proved by his subsequent statements that he is not familiar with what we are doing. He was not familiar with the fact that the lease ended in 50 years. He wanted to recapture the property at the end of 50 years.

Mr. McNARY. I know the Senator wants to be fair. I have been studying the subject for four or five years. I have read the Senator's bill. I do not think anyone understands it, and I am in that general category.

Mr. UNDERWOOD. The Senator certainly understands there is no lease, either by the corporation or the lessee, that will run over 50 years.

Mr. McNARY. That is about the only thing that is understandable in it.

Mr. UNDERWOOD. Perhaps the Senator will understand some other things if I call his attention to them. If the Government under the terms of this lease can not go further than 50 years, why does the Senator want to recapture the property? Why does he want to inject legislation providing to recapture it and require the Government to set up an amortization fund against itself for recapture when at the end of 50 years we are going to get it back anyhow?

I can not understand why, and I am sure the Senator does not understand my bill or he would not think it necessary to provide for recapture when the property all belongs to the Government, and it is under any circumstances coming back at the end of 50 years.

Mr. McNARY. Mr. President, will the Senator yield again?

Mr. UNDERWOOD. Certainly.

Mr. McNARY. I said in my introductory remarks that there are certain provisions of the water power act that are not consistent with the terms of this bill or the contracts to be made pursuant thereto. I appreciate the recapture clause is not pertinent here. I know there are certain phases embodied in the bill, and which must be incorporated in the contract that are not pertinent to the water power act. But there are provisions of the water power act which I think are very pertinent, and one of them is that which prevents discrimination, monopoly, and evasion of the law. Does the Senator want to do that? Let me read one thing while we are looking around for some of the good things in the act. This is one of many, and it is just a sample:

That combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade, or to fix, maintain, or increase prices for electrical energy or service are hereby prohibited.

Does the Senator object to that provision of the water power act when all others operating in the country are conforming to it? We will in some years to come have a great quantity of excess power over that which is used for the manufacture of nitrate, and I want to prevent the fixing of prices and discrimination. I suspect that is one provision to which the Senator from Alabama objects.

Mr. UNDERWOOD. No; I do not object for that reason, but because it is futile. A great many things go into law that are ancient and obsolete, and that is one of them. That is an effort to create competition in a regulated public service. They provide for regulation in that act and then say again that the Sherman antitrust law shall not be evaded. It is all set forth in the Sherman antitrust law, but the author of this particular water power act wanted it all put

in there again. He provides for regulation there by the Government or the State. If we have proper regulation, what do we care about competition?

As a matter of fact, I will say to the Senator from Oregon, the Congress of the United States has reversed its policy on that proposition. The President of the United States himself and almost everybody in authority have recognized that the theory the Senator is talking about in archaic and obsolete when we have proper regulation. We have enacted a law with reference to certain public-service corporations, the railroads, seeking combinations to facilitate the carrying of freight and public service, inviting combinations, and the distinguished President pro tempore of this body, who does not happen to be in the chair just now, wanted at one time to make it mandatory that they should combine in order to facilitate business, because when there is regulation in rates there ceases to be any necessity for competition; in fact, the necessity for competition is gone. In my State there is a most excellent law that absolutely regulates the rates and fixes the earning capacity of the investment, and the adjacent States all have laws for regulation. The law to which the Senator refers under the very terms of the water power act does not apply as soon as the State comes within those terms. It ceases then to apply.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I will in just a moment, if the Senator will allow me to proceed.

Mr. BROOKHART. Certainly.

Mr. UNDERWOOD. So it is not a question of regulation. I am not now talking about the Senator from Oregon. This proposal has come to me several times from the same source that resides here in Washington. I know that the ambitions of bureaucratic government are without limit, and as I said awhile ago they always want to tie onto the tail of everybody else's kite.

But the serious objection that I have to the suggestion is not so great. In section 17, if the Senator will read it, provision is made for a fee that must be charged for each kilowatt hour or horsepower and where it is on Indian lands a portion of it goes to the Indian tribe and the other part is absorbed by a bureau in Washington.

It is not so great, but for the use of this power in any other dam where there is a private citizen who develops the power, the small fee is taken out of the operator of the dam and ultimately a portion if not all of it lands in a bureau in Washington, and not in the Public Treasury, to enlarge the powers and magnitude and dignity of the Washington bureau. That is all there is in the Senator's proposal, and I challenge him to show that there is anything else; that there is one single thing in the water power act that is not taken care of under the terms of the bill before the Senate except the transmission of a small fee from Muscle Shoals, Ala., that must come out of the farmer in the price of the fertilizer—probably so small that he would not feel it, but that is where it would come from—that must be transmitted to an independent bureau of the Government at Washington.

I yield now to the Senator from Iowa.

Mr. BROOKHART. The Senator in his statement said the law of the State of Alabama regulated the return upon the investment of these enterprises. Does not his amendment change that rule and allow 8 per cent on the turnover?

Mr. UNDERWOOD. Oh, no. The Senator has not read the bill. The fertilizer is one thing and the power is another thing.

Mr. BROOKHART. Is there any regulation whatever as to the power?

Mr. UNDERWOOD. The regulation in reference to 8 per cent on the turnover of fertilizer is one thing. There may be some surplus power. What the Senator from Oregon was discussing was the sale of the surplus power to the citizens of the several States, and that is regulated under the laws of Alabama.

Mr. BROOKHART. Is it the Senator's claim that that is regulated?

Mr. UNDERWOOD. It is not only a claim, but it is a fact. If the Senator wants to verify it, he can send and get the statutes of Alabama and read them.

Mr. BROOKHART. Would the regulation in Alabama fix the amount of return they could earn on the investment in the corporation that leases Muscle Shoals?

Mr. UNDERWOOD. I do not make myself clear to the Senator apparently. I will try to make it perfectly clear to him. It has nothing to do with the corporation. It has nothing to do with the fertilizer. What I am talking about has nothing to do with the profits of the corporation.

Mr. BROOKHART. But, if the Senator will allow me——

Mr. UNDERWOOD. Just a moment. If the Senator wants me to explain it he should let me proceed. It has nothing to do with that, but there might be some surplus power and that surplus power will be sold to private enterprises throughout the States adjacent to Muscle Shoals. I say that in Alabama the sale of that surplus power and the rate at which it shall be sold and the regulations in reference to its consumption are controlled by the State of Alabama under its laws. That being the case, even if the water power act shall apply, under the terms of the water power act the Government regulation would cease and the Alabama regulation would apply, because the water power act provides that whenever the State regulates, the Government regulation shall cease.

Mr. BROOKHART. Under the Senator's bill, whether the property be operated by a Government corporation or by a lessee, there would be two sources of profit. One would be from the fertilizer, and the other from the sale of the surplus power.

Mr. UNDERWOOD. Yes.

Mr. BROOKHART. To my mind they can not be separated when we come to figure the return on the investment. The provision of this bill is not for an 8 per cent return on the investment, but it is for an 8 per cent return on the turnover, so far as it relates to nitrogen.

Mr. UNDERWOOD. Of course the only way that the law of Alabama could affect this situation would be that it would limit the profits at which the lessee or the corporation could sell the power; but if they are not willing to sell it in Alabama under its regulations they would have to sell it somewhere else in order to dispose of it. We have very good regulations there, and I think that power sells in Alabama at a lower rate than in most of the adjoining States. If the corporation or lessee should not be willing to sell it for as low a price as Alabama compels them to sell it, then they would not have to do so, but they could take it somewhere else and sell it.

Mr. BROOKHART. Some of this power would cross State lines; it would go into interstate commerce; and in that case it would not be covered by the Alabama regulations.

Mr. UNDERWOOD. Not until it is sold or used would regulations apply.

Mr. BROOKHART. Suppose it were sold in Tennessee.

Mr. UNDERWOOD. In Tennessee they have a public utilities commission to regulate such matters.

Mr. BROOKHART. If it were a company located in Alabama and it sold it in Tennessee it would not be subject to Alabama regulations.

Mr. UNDERWOOD. That does not make any difference. It is where the power is sold and used that the regulations apply. It does not make any difference where the power comes from; it is regulated where it is sold.

Mr. BROOKHART. It would hardly seem to me that the Tennessee Public Utilities Commission would have any power to regulate the return on the investment of a company in Alabama.

Mr. UNDERWOOD. The Senator lives in a State next to Minnesota; but if he carried a wagonload of potatoes to Minnesota and Minnesota regulated the price of potatoes he would understand that he would have to sell his potatoes under the terms which the Minnesota law allowed him to do or he would not sell them at all.

Mr. BROOKHART. Of course, Minnesota has no power to regulate the price of potatoes coming from Iowa.

Mr. UNDERWOOD. But if it did, then it could regulate the price of electricity which comes over the line just in the way that it could regulate the price of a wagonload of potatoes which would cross the line between Iowa and Minnesota.

Mr. HARRISON. Before the Senator proceeds I desire to say that before he was interrupted I understood him to say that a very small cost might be exacted and it would come out of the profits that might be made in the sale of fertilizer.

Mr. UNDERWOOD. Yes; it is not material, but nevertheless it is a holdup.

Mr. HARRISON. I want to take issue with the Senator that it is almost infinitesimal. As I read the law, the Federal Power Commission has the right to exact 25 cents a horsepower, and if they should exact that much and there should be a million horsepower developed down there, it might amount to a quarter of a million dollars a year; it might amount to a great deal, and would increase the price of fertilizer to the farmers of the country.

Mr. BROOKHART. I think that is not a matter of criticism of the bureau. This bureau has only the power which

Congress gave it, and if any criticism can be made it should fall upon Congress and not upon the bureau.

Mr. UNDERWOOD. The Senator is right about that. I do not say it is true in this case, but I suspect that the bureaus come around to Congress, knock on the outer door, and lobby for what they can get for themselves.

Mr. BROOKHART. But that does not excuse Congress for yielding.

Mr. UNDERWOOD. No; and it would be inexcusable if Congress adopted the amendment of the Senator from Oregon.

What the Senator from Mississippi says is true. I said that the amount was small because this power will certainly sell for $15 a horsepower, and 25 cents a horsepower is small in comparison; but when we take the great volume of power it will amount to a considerable sum of money, and if it is going to anybody it should go to the national defense and to the consumers of fertilizer and not to a Washington bureau. I therefore hope that the amendment to the amendment will not be adopted.

Mr. SMITH. Mr. President, before the vote is taken I wish to say that I wish to offer an amendment to the substitute proposed by the Senator from Alabama. I notice that the draft I have had made refers to the Senate bill 3507. I believe that the bill that we now have under discussion is House bill 518. Is that correct?

Mr. UNDERWOOD. It is House bill 518. I do not know what the Senator's proposed amendment is.

Mr. SMITH. I propose to amend the text really of House bill 518, and I wanted to get the pages and lines to correspond. Upon investigation I find that they do correspond, in fact, and therefore I offer the amendment and ask that it may be printed and lie on the table.

Mr. UNDERWOOD. I will ask the Senator not to force us over until to-morrow for a consideration of the amendment if it is reached to-day.

Mr. SMITH. If it is reached, I think, perhaps, we might discuss it and vote upon it.

The PRESIDENT pro tempore. The amendment of the Senator from Oregon [Mr. MCNARY] to the amendment is now pending.

Mr. SMITH. I wish to state that I do not care to press my amendment at this time. Of course, if it shall become necessary, I might ask for a vote on it this evening; but, in any event, I presume that it will be germane even when the bill goes into the Senate in case we do not reach it this afternoon. So I will ask that the amendment may be printed and lie on the table.

The PRESIDENT pro tempore. The amendment proposed to be offered by the Senator from South Carolina will be printed and lie on the table.

Mr. MCKELLAR. Mr. President, I think the amendment proposed by the Senator from Oregon to the amendment of the Senator from Alabama covers entirely too much territory. I doubt if all the provisions set forth in the amendment to the amendment are applicable to the pending measure; but I do think that substantially the provisions of sections 19 and 20 of the water power act should be applied to the pending bill; certainly all of those which are applicable should be applied; that is, those giving to the States the right to regulate rates where the power is purely within a State and the Congress or some organization directed by Congress the right to regulate rates where the power is interstate. I think substantially that ought to be done. At this time I merely state my opposition to the amendment offered by the Senator from Oregon for the reasons indicated and say that I shall offer the substance of sections 19 and 20 of the water power act later as an amendment to the pending proposal.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Oregon to the amendment of the Senator from Alabama.

Mr. MCNARY. On that I ask for the yeas and nays.

Mr. COPELAND. Mr. President, I inquire if it is in order to present an amendment to the Norris bill at this time?

The PRESIDENT pro tempore. The Chair is of the opinion that an amendment offered to the committee amendment is in order.

Mr. COPELAND. I desire to offer an amendment and have it printed.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. COPELAND. I should like to have the amendment stated.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The READING CLERK. On page 28, line 10, after the word "available," it is proposed to strike out the following:

and he shall not demand of the Federal Power Corporation for such purpose more than 100,000 horsepower, of which not more than 25,000 shall be primary power.

Mr. COPELAND. The purpose, of course, of the amendment is to eliminate from the bill what seems to some of us to be a weakness respecting the amount of power which may be used for the making of fertilizer. Therefore, I want the amendment pending so that we may act upon it at the proper time.

The PRESIDENT pro tempore. The yeas and nays are demanded on the amendment of the Senator from Oregon to the amendment of the Senator from Alabama.

The yeas and nays were ordered.

Mr. HEFLIN. Mr. President, the Senator from Oregon [Mr. MCNARY] has made reference to a bill which passed Congress when Mr. Taft was President, which provided for the building of a dam—Lock 12 or 18—as he said, on the Coosa River. It seems to me that the Senator is unfortunate in citing that case in this debate. Mr. Taft's veto of that bill drove the American Cyanamid Co. out of the United States into Canada. That was the effect of his veto. The American Cyanamid Co. was going to set up business at Montgomery, Ala.; it was going to operate at the dam proposed in the bill vetoed by President Taft. When President Taft vetoed that measure which had passed the Senate by an overwhelming majority and the House by a clear majority he killed the project, and then what happened? Why, the American Cyanamid Co. left the United States and went to Canada. It has been my idea, Mr. President, that we ought to do everything fair and reasonable to build up industries in the United States; that we ought to encourage them instead of throwing restrictions and obstacles around them and in their way and driving them out of the country.

Mr. MCNARY. Mr. President——

Mr. HEFLIN. I yield to the Senator from Oregon.

Mr. MCNARY. Is it not true that the Alabama Power Co. were the applicants for a license and Congress by special act granted them certain rights on the Coosa River? That is correct, is it not?

Mr. HEFLIN. That is true to a certain extent.

Mr. MCNARY. Is that the same company that went into Canada?

Mr. HEFLIN. No. The company I named is the American company as I understand it, that was going to do business at this lock on the Coosa River, in the congressional district that I represented at that time.

Mr. MCNARY. Well, I wish to be historically accurate in the matter. Is the statement that I made one that the record will sustain, that the Alabama Power Co. attempted, in 1912, as I recall, to acquire the second dam site on the Coosa River, and a special bill was enacted by the Congress of the United States? President Taft vetoed that bill because it did not carefully protect the rights of the public. Nothing was done with that development by the Alabama Power Co. until the water power act was passed in 1920, and they to-day are developing that power under the provisions of the water power act. If that was running them out of the country, they came back.

Mr. HEFLIN. That is a different proposition altogether, Mr. President.

Mr. MCNARY. Then I hope the Senator from Alabama will not criticize the Senator from Oregon by saying he is unfortunate in his allusion, when I have correctly recited the history of the particular transaction to which I made reference a little while ago.

Mr. HEFLIN. But the Senator is not correct, if my recollection is accurate, because it is a fact that the American Cyanamid Co. was going to do business at this lock on the Coosa River, and it was denied the privilege of doing so by the veto of President Taft. So it did not do business there. It went into Canada and is now doing business in Canada; and my point is that we have lost this industry to the United States when we had the opportunity to obtain it, and lost it by the veto of President Taft.

Mr. MCNARY. Mr. President, will the Senator yield again?

The PRESIDENT pro tempore. Does the Senator from Alabama further yield to the Senator from Oregon?

Mr. HEFLIN. I am always glad to yield to my friend from Oregon.

Mr. MCNARY. I appeal to the Senator to be more careful with his facts and history. It was the Alabama Power Co. that applied for these rights, and Congress granted that particular company these rights in the bill that was vetoed by Presi-

dent Taft. They came back—they never went away, in fact—and are now operating at this particular dam under the provisions of the water power act—not the cyanamide company at all.

Mr. HEFLIN. The Senator's recollection and mine are quite at variance. My contention still is, in spite of all the Senator has said, that it was the American Cyanamid Co. that went down there for the purpose of consuming the power to be produced at the dam named in the bill vetoed by President Taft. They had everything ready. We passed this bill. I led the fight for its passage in the House, and the President vetoed it. And I want to say again that President Taft's action drove the American Cyanamid Co. out of the United States into Canada.

I want to correct the Senator on another thing, too. I think he said that practically all of the industries of the country run by water are now being operated under the Federal water power act. I desire to call the Senator's attention to the fact that the aluminum industry owned by Mr. Mellon and operated on the Little Tennessee River in Tennessee, using several thousand horsepower and planning to use 475,000 horsepower, is not under the Federal water power act. Why is it that this trust—and it is a trust; it is a complete monopoly in the hands of Mr. Mellon—why is it, I say, not covered into the Federal water power act? If we want to be entirely fair and uniform in all these propositions, I suggest to the Senator from Oregon to include in his amendment this aluminum business of Mr. Mellon on the Little Tennessee.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama further yield to the Senator from Oregon?

Mr. HEFLIN. Certainly.

Mr. McNARY. I have not the persuasive power to defend Mr. Mellon here; it is not a part of this controversy; but again the distinguished Senator is wrong in his history and his facts. All the power developed on the Little Tennessee River is now under the water power act. I do not know whether Mr. Mellon is operating there, or the Aluminum Co.; but the Niagara project, the Tennessee project, and the Coosa River project are all under the water power act. There are a few scattered licensees who have water powers of from 50 to 100 horsepower that were granted special privileges years ago that are now without the fold of the water power act; but none of these large ones are, as intimated by the Senator from Alabama.

Mr. HEFLIN. Mr. President, the Senator from Oregon is again mistaken. I do not know where my good friend the Senator from Oregon has gotten his data. The information the Senator has does not at all coincide with mine.

Let me say this: The Aluminum Co. of America has a large development on the Little Tennessee River, where they already have one large hydroelectric plant in operation and are planning a total installation of about 475,000 horsepower, all to be used for the manufacture of aluminum. The Federal Government has spent thousands of dollars in efforts to preserve the navigation of the Little Tennessee River, and it is just as much a navigable stream to-day as it ever was. The dams of the Aluminum Co. affect navigation, and the entire situation is wholly within our control; yet no one has suggested that Mr. Mellon's aluminum company should come under the Federal water power act and that the perpetual rights that he now enjoys there should be limited to 50 years.

He is not limited to 50 years, to 100 years, or any number of years. He is not operating under your Federal water power act. He practically has a free hand in a perpetual right.

Mr. President, the situation here is not agreeable to me. I am not satisfied with either one of these bills. I was wholeheartedly in favor of Mr. Ford's offer.

Mr. NORRIS. Mr. President——

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. I was interrupted, and did not hear just what the Senator said; but in order to get the question right I should like to ask the Senator, for information, if these licensees—Mr. Mellon, for instance, or his cyanamide company—did not acquire their rights prior to the passage of the Federal water power act?

Mr. HEFLIN. They may have. I am not informed as to that.

Mr. NORRIS. I would agree with the Senator that they are wrong. I am not defending them by any means, and would not vote for any one of them under any consideration; but prior to the passage of the water power act there were several instances, and that may be one of them—I do not recall to mind any of them, but that perhaps is one—where perpetual rights have been given. It was one of the things that President Roosevelt always opposed, and President Taft did afterwards; and, while I am not familiar with the matter, perhaps that was one of the reasons why he vetoed the bill the Senator has referred to—that the granting of perpetual rights to anybody, tying up the resources of the country, was wrong.

I think we all agree about that. Nobody defends it now, and, as far as I know, since the passage of the water power act nobody has ever succeeded in getting through Congress an act giving them the right to use the public streams except under the water power act. If I am wrong about that I shall be glad to be corrected, because I will go just as far as the Senator will to prevent any kind of giving away of that kind. That was one of the things that we had before us and discussed in the water power act, and Senators and Members of the House did not agree as to the time. I remember distinctly that I was opposed to making it even 50 years. I thought 40 years was long enough; but after a great deal of debate 50 years was fixed, and if I am not mistaken there never has been a grant made since, because to get one of any other kind would require, of course, as the Senator knows, a special act of Congress.

Mr. HEFLIN. Mr. President, I do not remember whether Mr. Mellon secured these rights before or since the water power act went into effect, but the point is that he has these rights and he is operating in this same section on a river that flows into the great Tennessee River, and if he did get these rights prior to the time the Federal water power act was enacted, why was it that that bill was not vetoed? If it was done to protect the water rights of the Government in the veto of Mr. Taft regarding the Coosa River, why not exercise it on the Little Tennessee River?

I understand that quite a number of these projects in the country are not operating under this Federal water power act, and, as my colleague [Mr. UNDERWOOD] has already pointed out, there will be a conflict of authority in this matter which in my judgment will seriously handicap the operation of this corporation, whoever it is, at Muscle Shoals, if his bill shall become a law or if the bill of the Senator from Nebraska shall become the law.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HEFLIN. Certainly.

Mr. NORRIS. I so fully agree with the Senator about granting perpetual rights that I do not want any misunderstanding. We can easily determine, if the Senator does not have it there, by looking it up just when this right was given to Mr. Mellon.

Mr. HARRISON. Mr. President, I think I can give the Senator the information he desires.

Mr. NORRIS. Before the Senator does it, let me call attention to what I think is another exception. I may be wrong; I am speaking only from memory now, but I think the dam of the Mississippi River at Keokuk is a perpetual right. If I am wrong, I shall be glad to be corrected by any Senator who is familiar with it.

Mr. HEFLIN. I think the Senator is correct.

Mr. NORRIS. And I think that act was passed while President Roosevelt was in the White House.

Mr. SMOOT. That was a special act of Congress. I remember it very well.

Mr. NORRIS. It was a special act of Congress. While I never talked with President Roosevelt about that I have talked with other men who have talked with President Roosevelt about it. That act was passed near the beginning of his administration; and one of the people with whom I have talked, who is in the Chamber now, told me that he talked personally with President Roosevelt, and President Roosevelt told him that it was one of the regrets of his life that he had ever signed the Keokuk bill giving them a perpetual right. Since the passage of the water power act I do not believe there has been an exception to it. Certainly there ought to be none unless there are peculiar circumstances, some of which I admit are involved here. There ought to be no exception made. In other words, we ought to treat everybody in the same way if they are getting the right under the law. Whether the law is right or not, it is the law, and we ought to apply it to everybody wherever it is applicable.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I do.

Mr. SMOOT. I am quite sure the Senator was a Member of the House at the time the discussion took place on the water-power situation. One of the objections to the passage of the water power act was that there had been numerous grants to institutions throughout the country with no tax whatever imposed upon them, and therefore we should not pass the law as we did. The Senator will remember that beginning, I think, in the year 1908, or about that time, we began to hold meetings. Shortly after that I became chairman of

the Public Lands Committee, and at different sessions of Congress numerous hearings were had before we finally got the bill enacted into law.

I think the Senator remembers that. Then, during the discussion, this Keokuk Dam power site was developed, and it was in pursuance of a special act of Congress, and I know that President Roosevelt hesitated some time before signing it. If it had not been passed by the Congress as it was, I do not believe that he would have ever signed it, because I know how he felt at that time; and I know another thing: That since the passage of the water power act there never has been a special grant given to any concern or individual in the United States.

Mr. HEFLIN. Did the Senator say that the Federal water power act was passed in 1908?

Mr. SMOOT. No; it was later than that.

Mr. McNARY. 1920.

Mr. SMOOT. Was it not 1919? It was either 1919 or 1920; I forget which.

Mr. McNARY. Here it is—June 10, 1920.

Mr. HEFLIN. Under President Wilson's administration.

Mr. SMOOT. Yes; he was President at the time. I was chairman of the Public Lands Committee, and I know that I took an interest in it all the time—during President Taft's administration, during President Roosevelt's administration, and during President Wilson's administration.

Mr. HEFLIN. Now, then, Mr. President, it is admitted that we have exceptions to the general rule or law. The Keokuk Dam instance, cited by the Senator from Utah and the Senator from Nebraska, is one, and I have cited one. The aluminum business of Mr. Mellon, Secretary of the Treasury, is another.

Here is an industry that we are seeking to operate in the interest of agriculture, and we are trying to make of this project at Muscle Shoals a serviceable agency for the Federal Government and a great instrumentality of aid to the farmers of America; and God knows they need it. I think that since we have so many exceptions to the water power act we ought to make an exception of this one. As has been pointed out by my colleague [Mr. UNDERWOOD] and by the able Senator from Mississippi [Mr. HARRISON], it will impose a burden upon the farmers, because they would have to pay for the operation under the amendment of the Senator from Oregon. It will tax the fertilizer that they must buy, and that is an additional burden that ought not to be imposed by this body. I do not believe that the Senator from Oregon intended to impose such a burden upon the farmers of America.

Mr. President, I simply rose at this time to call to the Senate's attention the things that I have just mentioned. I do not desire to say anything more. I am opposed to the amendment of the Senator from Oregon, and I trust that it will be defeated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oregon to the amendment proposed by the Senator from Alabama, on which the yeas and nays have been ordered.

The reading clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). I have a temporary pair with the senior Senator from Ohio [Mr. WILLIS]. In his absence, I transfer that pair to the senior Senator from Montana [Mr. WALSH] and vote "nay."

The roll call was concluded.

Mr. OVERMAN (after having voted in the negative). I have just been informed that my pair, the senior Senator from Wyoming [Mr. WARREN], is absent. I transfer my pair with that Senator to the senior Senator from Tennessee [Mr. SHIELDS], and allow my vote to stand.

Mr. JONES of Washington. I desire to announce the following general pairs:

The senior Senator from West Virginia [Mr. ELKINS] with the senior Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from Pennsylvania [Mr. REED] with the junior Senator from Delaware [Mr. BAYARD].

The result was announced—yeas 29, nays 34, as follows:

YEAS—29

Borah	Hale	McNary	Shipstead
Brookhart	Howell	Means	Stanfield
Capper	Johnson, Calif.	Moses	Sterling
Copeland	Johnson, Minn.	Norris	Walsh, Mass.
Couzens	Jones, Wash.	Oddie	Wheeler
Cummins	Keyes	Phipps	
Dill	Lenroot	Ransdell	
Gooding	McKinley	Sheppard	

NAYS—34

Broussard	Curtis	Fletcher	Harrison
Bruce	Dial	George	Heflin
Butler	Edge	Gerry	Kendrick
Caraway	Fess	Harris	King
Ladd	Neely	Robinson	Trammell
McKellar	Overman	Smith	Underwood
McLean	Pepper	Smoot	Wadsworth
Mayfield	Pittman	Stanley	
Metcalf	Ralston	Swanson	

NOT VOTING—32

Ashurst	Ernst	La Follette	Simmons
Ball	Fernald	McCormick	Spencer
Bayard	Ferris	Norbeck	Stephens
Bursum	Frazier	Owen	Walsh, Mont.
Cameron	Glass	Reed, Mo.	Warren
Dale	Greene	Reed, Pa.	Watson
Edwards	Harreld	Shields	Weller
Elkins	Jones, N. Mex.	Shortridge	Willis

So Mr. McNARY's amendment to Mr. UNDERWOOD's amendment was rejected.

Mr. McKELLAR. Mr. President, I offer the amendment I mentioned a few moments ago, which the Senator from Alabama said he was willing to accept. I ask that it be read.

Mr. UNDERWOOD. I said I had no objection to it, so far as I was concerned.

Mr. McKELLAR. I do not think it will be objected to by any one.

The PRESIDENT pro tempore. The Secretary will report the amendment to the amendment.

The READING CLERK. On page 4 of the substitute, at the end of line 19, the Senator from Tennessee proposes to strike out the period and to insert a colon and the following proviso:

Provided, That said lease shall be made only to an American citizen, or citizens, or to an American owned, officered, and controlled corporation; and, if leased, in the event at any time the ownership in fact or the control of such corporation should directly or indirectly come into the hands of an alien or aliens, or into the hands of an alien owned or controlled corporation or organization, then said lease shall at once terminate and the properties be restored to the United States. The Attorney General of the United States is given full power and authority, and it is hereby made his duty, to proceed at once in the courts for cancellation of said lease in the event said properties are found to be alien owned or controlled and are not voluntarily restored.

Mr. McKELLAR. Mr. President, I take it that there will be no opposition to an amendment of this kind. Of course, the first purpose of this industry at Muscle Shoals is to make nitrogen for war purposes. It is our great war asset, and of course it would never do, under any circumstances, that this great asset, so useful in time of war, should come under the control of any alien. Therefore this amendment has been offered by me, and the Senator from Alabama has accepted it so far as he is able to accept it. I hope it will be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is on agreeing to the amendment offered by the Senator from Alabama, as amended.

Mr. JONES of New Mexico. Mr. President, I would like to call to the attention of the Senator from Alabama the provision on page 12 of his amendment, under the heading of "Capital stock and bonds." This paragraph provides that—

the capital stock of the corporation shall consist of 100 shares of common stock of no par value.

That, of course, is a mere formality, to represent the ownership in the corporation.

The next provision strikes me to be a very important one. It is as follows:

The corporation shall also issue an amount of 20-year bonds bearing interest at the rate of 5 per cent per annum, which shall be a first lien on the property of the corporation and in an amount not to exceed $50,000,000, to be sold from time to time as needed to carry out the purpose of this act. The terms for the sale of said bonds shall be approved by the Secretary of War. If at the end of any fiscal year after the fourth year the corporation shall not have earned net sums sufficient to meet the interest on said bonds as evidenced by audits of the accounts of said corporation by the Secretary of War, the corporation shall forthwith cease operations and shall not resume until authorized so to do by the Congress.

Mr. UNDERWOOD. I will say to the Senator, before he starts his argument, that he apparently has not had the last print. At the suggestion of the Secretary of War in the memorandum he sent down here, I amended the amendment, and there is a new print, from which I will read to the Senator, as I see he has not the last print in his hand. I added this proviso:

Provided, That the principal and interest of said bonds shall be paid by the Secretary of the Treasury out of funds in the Treasury not otherwise appropriated upon default at any time in payment as herein provided by the corporation.

The Secretary of War suggested that if there was a default on these bonds the Government would have to pay them anyhow, that they could not sacrifice the property, and therefore he suggested that it was wiser in the beginning to provide that the Government should pay the principal and interest in case of default, because, he said, we would sell the bonds on issue at a much better rate, and that we could practically get a Government rate in selling the bonds with that provision in there, which we could not if it were not in there; and in the last analysis that we would have to pay them anyhow. So I accepted his suggestion.

Mr. JONES of New Mexico. I am very glad, indeed, to know that the amendment has been made. It obviates some of the difficulties which I thought I saw in the original provision.

If, however, that is to be done, I should like to ask the Senator from Alabama why we should put the rate of interest at 5 per cent? If the Government is going to pay the interest and the amount of the bonds in case of default, why should we fix the interest at 5 per cent when other obligations of the Government are now being sold at 4 per cent?

Mr. UNDERWOOD. I will say this to the Senator: I did not think, when I originally wrote the amendment, that we could sell without the Government guaranty behind the proposition at less than 5 per cent. I doubt it now; but I am perfectly willing to accept an amendment, as far as I can accept it, providing that the bonds shall bear a rate of interest of not to exceed 5 per cent.

Mr. JONES of New Mexico. If the Government is going to pay the interest and principal upon default, why make those bonds a lien upon this property at all? The Government owns the stock of the corporation.

Mr. UNDERWOOD. I will tell the Senator why. My purpose was to make the men who are operating it not default and have to come back to Congress. I do not think that hurts it at all to have it in there, and it may be some incentive to the operators to try to make good. It does not hurt the proposition at all to have it in there.

Mr. JONES of New Mexico. It strikes me that there yet may be some danger that the provision may be used absolutely to dispose of the property under the bond issue.

Mr. UNDERWOOD. No; that can not be done.

Mr. JONES of New Mexico. If that can not be done, then what is the use of the lien?

Mr. UNDERWOOD. I will state the only reason. As I said, in my initial proposition I put in the lien to secure the bonds. I accepted the amendment suggested by the Secretary of War, and that is the way it got into its present shape. I can not see any objection in the world to it. When the bill itself says the Government shall pay the principal and interest out of the Treasury, it can not possibly be defaulted and be sold to anybody else.

Mr. JONES of New Mexico. As a practical proposition, is it not true that the lien is worthless, and if the lien is not worthless, what is the worth of it and what may grow out of it? May there not be a foreclosure of the lien?

Mr. UNDERWOOD. No; there can not be a foreclosure of the lien as the bill now reads. With those words in it it can not be foreclosed because the Secretary of the Treasury will pay the interest as soon as it falls due.

Mr. JONES of New Mexico. Then what is the use of having the lien?

Mr. UNDERWOOD. I do not think it hurts anything. I do not think it is very material. It might help sell the bonds at a better price. Why strike it out?

Mr. JONES of New Mexico. I should strike it out simply because if we have a lien there that is worth anything it can be foreclosed, and that would mean the ultimate sale of the property to pay the bonds. If it should turn out that the Treasurer should not pay the interest and if anything should happen at the time, the lien might be foreclosed, and if it could not be foreclosed, I ask the Senator what is the use of having it in there?

Mr. UNDERWOOD. I told the Senator how I happened to put it in there.

Mr. JONES of New Mexico. I understand how the Senator came to put it in.

Mr. UNDERWOOD. The lien can not be foreclosed unless the Government of the United States goes broke; and, of course, if it goes broke we all go broke. I can not see an objection to having the provision in the bill. It may add to the sale value of the bonds. Certainly, with the Government of the United States behind the bonds, there is absolutely no danger of the property passing away from us.

Mr. JONES of New Mexico. I am inclined to think the Senator is correct about it, in view of the provision which he has finally added to that paragraph.

Mr. UNDERWOOD. The Senator had the first print of my proposed amendment before him when he began speaking, and not the new one, which probably misled him.

Mr. JONES of New Mexico. Of course, the objection to it in its old form was very much greater than in its present form, but even in its present form I would like to have some one explain what is the purpose of making the lien and what the lien adds to it. The Government owns all the stock of the corporation. The Government has the ownership of the property. It has the obligation to pay. As the Senator knows, upon that obligation of the Government to pay this and in case of default pay the principal of the bonds, it can get money at 4 per cent without pledging any of its specific property.

Mr. SMOOT. The Senator must remember that these are not tax-exempt bonds. The joint-stock land banks to-day are selling bonds at 4.25 which are tax exempt. The Federal Farm Loan Board is offering bonds at 4.25 which are tax exempt. These bonds are not tax exempt, and I doubt very much if over the length of time they are to run we could sell them at less than 5 per cent.

Mr. JONES of New Mexico. The Government is selling to-day its obligations which are not wholly tax exempt.

Mr. SMOOT. They are wholly tax exempt up to a certain amount of income that a man may have. There are three different issues of which a man may hold over $150,000 worth that would be tax exempt.

Mr. JONES of New Mexico. The present obligations of the Government are not exempt in any considerable amount in the hands of an individual. They are exempt from all but normal taxes in the hands of a corporation, and inasmuch as the corporation has no normal tax they are absolutely exempt in the hands of the corporation. The Senator is quite correct about that. It may be there is no tax-exempt feature here at all.

Mr. SMOOT. None whatever. I asked the Senator from Alabama about that the other day.

Mr. JONES of New Mexico. I am not so much concerned about that. I assume if the bonds bear 5 per cent and are worth more than that they will be sold at par. I am not concerned so much about that as I am about the question of the lien. It is not so important since the Senator from Alabama has added the phraseology that he has to his amendment, but it strikes me that we should still eliminate the idea of a lien altogether. I wish the Senator from Alabama would consider that and strike out the words "which shall be a first lien on the property of the corporation."

Mr. UNDERWOOD. I will say to the Senator that it is not very material one way or another, but I am sure there is no clause of foreclosure. In one sense it helps to limit the bonds that the corporation can issue, because they will be a first lien on the property, and I would a little rather have the provision in than have it out. But since the Government of the United States is obliged to pay the principal and interest, I do not think it is very material now. Rather than delay the Senate, if the Senator insists, I would be willing to strike it out, but I would much prefer if the Senator would leave it as it is, because I think there may be some value to it in the sale of the bonds.

Mr. JONES of New Mexico. I believe I shall move to strike it out and let it go to conference.

Mr. UNDERWOOD. It will not go to conference if it is stricken out. If it is left in, it will go to conference.

Mr. JONES of New Mexico. I think it should be stricken out. I do not believe in the Government pledging its own property.

Mr. UNDERWOOD. I am not going to combat the Senator on a question of that sort if he insists.

Mr. JONES of New Mexico. All we have to do is to strike out line 20.

Mr. UNDERWOOD. However, I find that there is some opposition to my agreeing to strike it out. I will ask the Senator not to insist at this time.

Mr. JONES of New Mexico. Very well; I shall not press the matter at this time, then.

Mr. McKELLAR. Mr. President, I offer an amendment to the amendment, which I ask may be read at the desk.

The PRESIDENT pro tempore. The amendment offered by the Senator from Tennessee will be read.

The READING CLERK. Add a new section as follows:

SEC. —. That as a condition of the lease, every lessee hereunder which is a public-service corporation, or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged: *Provided*, That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such lessee or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such lessee, or by any person, corporation, or association purchasing power from such lessee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable discriminatory and unjust rates or services are hereby prohibited and declared to be unlawful, jurisdiction is hereby conferred upon the Secretary of War, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative, to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce, and to regulate the issuance of securities by the parties included within this section, and securities issued by the lessee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such lessee.

The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided in the act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

Mr. McKELLAR. Mr. President, in explanation of the amendment I wish to say that in so far as the regulation of the rates charged for the power in Alabama is concerned, it is primarily left to the Public Utilities Commission of Alabama. But where that power goes into interstate commerce it is provided by my amendment that the rates to be charged therefor shall be regulated by the Secretary of War under the rules laid down for the regulation of interstate commerce.

Mr. President, my purpose in offering the amendment is manifest. Those of us who live in States adjoining the State of Alabama are vitally interested in the power that is to be created by this project. It might be said at first blush that my proposal is in some way an interference with State rights. That is not true at all. Interstate commerce under the Constitution is unquestionably within the purview of the Congress. It is regulated by the Congress or by agencies established by the Congress. It is in no sense a violation of State rights, but, on the contrary, it is an exercise of the power granted by the Constitution that might be of enormous importance to the States adjoining the State of Alabama. So far as the State of Alabama is concerned, the commission in that State, as I said, has the right under the amendment to regulate its own rates, but when that power goes into interstate commerce then manifestly there ought to be some central organization which has the right to regulate the rates in so far as the power is transmitted into adjoining States; otherwise great injustice might be done to the adjoining States.

This is a matter of very great importance to adjoining States. My State, as the Senate knows, is very close to the Muscle Shoals plant. If the plant and rates are to be regulated solely by the State commission of Alabama, it might be that Tennessee or Georgia or Mississippi or any other of the near-by States would be put to a very serious disadvantage.

Mr. UNDERWOOD. Surely the Senator does not think that the provision in the bill providing for State regulation means only the State of Alabama? The provision in the bill now is that it shall be regulated by the several States and that the State in which the power is used shall regulate the rates. In other words, the minute the power crosses the line into Tennessee, under the provisions of the amendment which I have offered as it stands now, it is subject to the regulation of the public-service commission, by whatever name it is called, in the Senator's own State.

Mr. McKELLAR. It is so provided in my amendment, too, but that is not the thing. Here is a great project that is being created by the Government of the United States. This industry is being created by the Government of the United States. It is the money of the United States that goes into it. It is not only for the benefit of Alabama and not only for the benefit of Tennessee but of all the States, directly or indirectly. Manifestly the central Government under those circumstances ought to control and regulate the power when it is transmitted to the other States.

Mr. ROBINSON. Mr. President, will the Senator from Tennessee yield for a question?

Mr. McKELLAR. I yield to the Senator from Arkansas.

Mr. ROBINSON. Under section 10 of the bill each State would regulate for itself the price of power consumed in that State?

Mr. McKELLAR. Yes.

Mr. ROBINSON. There would, therefore, be as many different standards of regulation as there would be States in which power might be sold?

Mr. McKELLAR. That is true.

Mr. ROBINSON. The thought of the Senator is that, in order to require and effectuate uniformity in price and quality and to prevent discrimination, the regulatory power ought to be one and the same as to all States in which power is consumed?

Mr. McKELLAR. The Senator from Arkansas has stated most clearly, very much more clearly and very much more forcefully than I could possibly state it, just the proposition which I have embodied in the amendment.

Mr. ROBINSON. I think the suggestion is worthy of very serious consideration. This condition might arise: A contest might occur between the States to determine what communities might be able to secure power most cheaply, and great confusion and much litigation might result because of the varying standards of regulation. I do not know whether or not the Senator from Alabama [Mr. UNDERWOOD] has given thought to that aspect of the case.

Mr. McKELLAR. The Senator from Arkansas has put his finger right on the spot, and I thank him for his interruption.

Mr. DIAL. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. DIAL. Under the Senator's amendment there would be two commissions operating in a State. He would have a national commission and a State commission fixing the rates. Would not that cause conflict?

Mr. McKELLAR. Not at all; not any more so than under the present law governing interstate commerce. We are all familiar with the fact that we have State commissions in every State and we also have a Federal commission, just exactly as is proposed in this instance.

The Senator from South Carolina would not want to do away with either one of them. He would not want to vote to do away with his State commission, and I know he would not want to vote to do away with the Interstate Commerce Commission.

Mr. DIAL. I do not think the national commission would be necessary in this case, because when the power got into the State the State commission would regulate the matter.

Mr. McKELLAR. The trouble about that would be, as has already been pointed out by the Senator from Arkansas [Mr. ROBINSON]—and it could not be more forcibly stated than he has stated it—that we might have as many different rates as there are States in which the power is used. The objection could not be better stated than that. There would be Tennessee and Kentucky and Georgia and Mississippi and Louisiana and the various other States that will use this power. South Carolina is not too far off to use it, nor is North Carolina. Each of those States would be establishing its own rates for its own purposes to benefit its own people, and the United States Government, which furnished all the money for the project, might be absolutely powerless to bring about uniformity in the rates. I am sure that no Senator would feel that that would be either fair or just.

Mr. DIAL. But the Government would not be furnishing all the money, and it would only be furnishing a part of the power which goes into the States.

Mr. McKELLAR. The Government is furnishing the entire amount of money for this particular project.

Mr. DIAL. Of course it is furnishing the money for this project, but not for other projects.

Mr. McKELLAR. We are not dealing now with any other project.

Mr. DIAL. Very well; then there would be one rate for Muscle Shoals power in my State and there would be another rate for power which is generated in the State by other companies. If there were a higher rate for Muscle Shoals power consumers would not purchase it, but would patronize the local companies. So the Muscle Shoals rate would have to come down as low as the local rate. Thus there would arise great confusion and perhaps confiscation.

Mr. McKELLAR. Not at all. It is not so provided.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. McKELLAR. I yield to the Senator from Utah.

Mr. KING. It seems to me, then, that the position of the Senator from Tennessee, if he is logical, is this: This is the subject of interstate control, and the Federal Government, therefore, ought to fix the rates not only in Alabama but in every other State to which the power may be transmitted. The Senator's position, if I understand it, is that the local tribunal, the Public Utilities Commission of Alabama, may determine the rates there, but so soon as the power is taken beyond the boundaries of that State it shall then come under the cognizance of the Federal Government?

Mr. McKELLAR. No; the Senator does not understand the amendment. I have been very unfortunate in my explanation of the amendment, but I had hoped, even unfortunate as I might have been in expressing what I was trying to do, the very logical and terse statement of the Senator from Arkansas [Mr. ROBINSON] would certainly lead Senators to understand what is intended by the amendment. The object of the amendment is to establish precisely the same control over this subject that is now exercised over interstate commerce in the case of the railroads. Has the Senator from Utah a railroad commission in his own State?

Mr. KING. Yes.

Mr. McKELLAR. Of course, where there is interstate commerce going through the Senator's State or between his State and other States the powers of the Interstate Commerce Commission are supreme over that commerce, and therefore it should be so in this instance.

Mr. KING. In reference to the Senator's argument in favor of uniformity, may I call his attention to the fact that conditions in each State would be different? After the power shall have been transmitted from Alabama to South Carolina the method of distribution may be so different from the method of distribution in Tennessee as to call for higher rates, or vice versa. It seems to me that the question of uniformity is not important, and I think the bill as drawn sufficiently covers the situation. It provides that when the power shall be transmitted into the various States for use it shall then be subject to the jurisdiction of the various States and to the instrumentalities which may be there established. It seems to me that is fair; yet it is possible that there should be some supervisory power by the Federal Government; but until it shall be demonstrated that the States are dealing unfairly with this great project or are discriminating in their rates, it does seem to me that we ought not to confer upon the Secretary of War the power to determine the rates and make of him a judicial body. It is a power too great, it seems to me, to be conferred upon this officer of the Government.

Mr. McKELLAR. Mr. President, the trouble about the Senator's position is that if the Government leases this power to a private corporation under a contract without the regulation of rates, and if afterwards, within the period of 50 years, it should be determined by the Congress that it was vitally necessary to the people of this country that the rates should be regulated, the Congress would have already denuded itself of its power and would have no power over the subject. Now is the time to prevent any difficulty of that kind.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. McKELLAR. I will be delighted to yield.

Mr. NORRIS. I think there is much merit in what the Senator has said; I think it is a question that has two sides; but I want to submit this proposition to the Senator: Suppose the Underwood substitute should become a law and the Senator's amendment should be incorporated in it, then the provisions of the Senator's amendment would become effective. Suppose in the meantime some other company under the water power act should take out a license on the Tennessee River or some other river in that vicinity, and both the Muscle Shoals power and the power generated by the licensee under the Federal water power act should be transmitted into the same States, would not we be confronted with the proposition that one of them would be regulated by one body and the other would be regulated by another body?

Mr. McKELLAR. I am delighted that the Senator has brought up that question. I have copied verbatim from the water power act, leaving out certain provisions that do not apply, every word that is in my amendment. The only difference between the regulations provided for in the water power act and in the proposed amendment offered by me is that the regulations are put under the Secretary of War. They are exactly the same. I want to point out very briefly why I propose that the Secretary of War should do it.

Mr. UNDERWOOD. Will the Senator from Tennessee allow me to interrupt him before he gets away from that question?

Mr. McKELLAR. I am glad to yield.

Mr. UNDERWOOD. The Senator says that he has copied the water power act exactly?

Mr. McKELLAR. I said that, so far as it was applicable, I had copied it. I merely copied, however, from sections 19 and 20 of the water power act.

Mr. UNDERWOOD. I agree with the Senator that he has copied the amendment from the water power act.

Mr. NORRIS. Mr. President, I was going to call attention to the same suggestion which I think is in the mind of the Senator from Alabama.

Mr. UNDERWOOD. The Senator from Tennessee has copied from the act so far as he goes, but he has not gone as far as the water power act, which provides that wherever there is State regulation the power of the Federal Government under the water power act shall cease. The Senator left that out, and therefore he is injecting into this matter Federal regulation to a greater extent than the water power act itself does.

Mr. McKELLAR. No. I think the Senator is mistaken about that.

Mr. UNDERWOOD. I have the water power act before me.

Mr. McKELLAR. I also have it before me, and I will read from it. Section 19 of that act provides:

> That as a condition of the license, every licensee hereunder which is a public-service corporation, or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution or use in public service of power by any licensee hereunder or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such licensee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such license that jurisdiction is hereby conferred upon the commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control.

That part of that act is left out of the amendment.

Mr. NORRIS. There is also a proviso in the law which the Senator from Tennessee has not incorporated in his amendment.

Mr. McKELLAR. I will read that proviso. It is as follows:

> *Provided*, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

That is also left out of the amendment.

Section 20 provides——

Mr. UNDERWOOD. The Senator leaves out the proviso in his amendment.

Mr. NORRIS. That, it seems to me, is what makes my comment applicable.

Mr. McKELLAR. No; because where a State has not a commission, it provides what shall be done, but where a commission is established in a State the first sentence of this paragraph of section 19 of course prevails. There were some States at the time the water power act was passed that did not have commissions, and that is the reason for the last two sentences of the section, but I understand that there are now no States which have not commissions, and there is no use of referring specifically to them.

Now, if the Senator will let me read section 20——

Mr. UNDERWOOD. Will the Senator allow me to interrupt him further?

Mr. McKELLAR. Yes.

Mr. UNDERWOOD. The Senator has just read a provision which proves my assertion that he has incorporated in his amendment the provision of the water power act granting regulating power to the Federal Government and left out the proviso.

Mr. McKELLAR. Oh, no.

Mr. UNDERWOOD. Where is the proviso in this amendment?

Mr. McKELLAR. I will read it to the Senator.

Mr. UNDERWOOD. I should like the Senator to take his amendment and read me the proviso.

Mr. McKELLAR. I will do it:

That as a condition of the lease, every lessee hereunder which is a public-service corporation, or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged.

It is the very first part of the provision. It leaves it there.

Mr. UNDERWOOD. That is not a proviso.

Mr. McKELLAR. But the water power act provides in section 20 just as I also provide here. After allowing the State commissions to regulate the matter wholly within the States, I then provide, as provided by section 20 of the water power act:

That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such licensee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such licensee, or by any person, corporation, or association purchasing power from such licensee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable discriminatory and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the commission—

That is the power commission. I change that by putting it in the hands of the Secretary of War; and I think, this being a special bill, that it ought to be put in the hands of the Secretary of War.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. McKELLAR. Surely.

Mr. CARAWAY. If a private company were to organize in Tennessee, since Tennessee has a body to regulate the distribution of power, the water power act would give to the commission no power to regulate rates in Tennessee.

Mr. McKELLAR. It would if it should transmit that power to other States.

Mr. CARAWAY. But in Tennessee the regulation would be under the local body.

Mr. McKELLAR. And so it would be under this.

Mr. CARAWAY. Under the Senator's amendment, now, if any of this power went into Tennessee, its regulation would be subject to whatever provision the Secretary of War might make. In other words, you might have this company in Tennessee doing a thing that your local body would prohibit, and they would look to the Secretary of War for their authority, and you would have two companies in Tennessee, one controlled by local regulation and one controlled by the Secretary of War.

Mr. McKELLAR. No; quite the contrary. The only possible difference between the two, if the Senator will permit me to point it out, is that in the one case the national regulation is through the instrumentality of the Secretary of War and in the other case it is through the instrumentality of the Federal Power Commission.

Mr. CARAWAY. Will the Senator pardon me just a minute?

Mr. McKELLAR. Yes.

Mr. CARAWAY. Under the water power act the water power commission has no power to regulate the distribution of power in Tennessee, because you have a State regulatory body.

Mr. McKELLAR. Oh, no.

Mr. CARAWAY. Oh, yes. Read your proviso.

Mr. McKELLAR. I have just read it.

Mr. CARAWAY. But the proviso says that whenever the State shall have a regulatory control all provisions of this act cease.

Mr. McKELLAR. No.

Mr. CARAWAY. Oh, yes, it does.

Mr. McKELLAR. If the Senator will read section 20——

Mr. CARAWAY. But read your proviso. There is no power to regulate the distribution of power under the water power act in any State where that State has a commission or board to do that thing—I mean, under the water power act. Under the Senator's amendment, then, regardless of what the commission in Tennessee might say, the regulation of this particular company would be under the control of the Secretary of War, while all other companies doing business in Tennessee would be under the control of the State board for the control and distribution of power.

Mr. McKELLAR. No; if the Senator will just listen to the language he will see how impossible it is.

Mr. ROBINSON. Mr. President, will the Senator from Tennessee yield to me for a moment?

Mr. McKELLAR. I yield; yes.

Mr. ROBINSON. I attempted to point out some moments ago the inconvenience that might arise from having the power transmitted into various States regulated by the different commissions of those States. Let me suggest to the Senator from Alabama that a difficulty arises under his amendment in that particular. The Senator's amendment has the same difficulty that is found in the bill, and it appears to me at first glance to be even more unjust, if I may use that term, than section 10, because the Senator's amendment provides that as to all power consumed in Alabama the Alabama State commission shall fix the price, but that as to all power consumed in any other State the Secretary of War shall fix the price. That is a diversity of regulation worthy of note in itself.

Mr. McKELLAR. Yes; it is.

Mr. ROBINSON. Why should one authority regulate the price of power in Alabama, the situs of the corporation performing the service, and a different authority regulate the price of power in all other States? Would not this give rise in a very marked degree to the very same difficulties that the Senator by his amendment is seeking to correct; and would it not add some embarrassments to the situation that do not exist under the provisions of the bill proposed by the Senator from Alabama?

Mr. McKELLAR. Mr. President, the question of the Senator is very pertinent. However, I think he is just a little mistaken in his reading of the first paragraph of this amendment:

That as a condition of the lease, every lessee hereunder which is a public-service corporation, or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged.

That does not apply alone to Alabama. Possibly the language I have quoted from the water power act may not provide just what was in my mind or what was in the Senator's mind, but here was the purpose: The manifest purpose was that the various State commissions, in so far as the local service was concerned in each State, should have a primary regulatory power, but that whenever it was deemed necessary——

Mr. ROBINSON. Now may I ask the Senator with respect to the practical application of the provision, which is what we are most concerned with, in what States it is expected, under the provisions of this legislation or any similar legislation, that the person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale will be? How many States will be included in that designation?

Mr. McKELLAR. There would be Alabama, Tennessee, and all the surrounding States.

Mr. UNDERWOOD. Alabama would not be in the Senator's provision, because that is not interstate commerce. Alabama could regulate its own power under the Senator's amendment. Alabama is the State that has to go to the Secretary of War.

Mr. ROBINSON. The intendment of the amendment, then, is that if the project locates a subsidiary plant in any State, the laws of the State in which that subsidiary plant is located will be applicable to regulate it?

Mr. McKELLAR. They will be applicable; yes.

Mr. ROBINSON. In my judgment that would make the provision worse instead of improving it, because it would simply make that many more different regulating agencies.

Mr. McKELLAR. It puts it precisely in the position of the regulation of commerce generally by the Interstate Commerce Commission and all the other commissions. I am inclined to

think the Senator from Arkansas is probably right, that there ought to be one central body to regulate the rates, and I will give my reasons for it.

Suppose the Alabama Utilities Commission, or whatever its name is, should so regulate the rates that every particle of this power must perforce be used in the State of Alabama. That would defeat the purpose of this act. This is a national proposition. The people of Kentucky, the people of Tennessee, the people of South Carolina and North Carolina, and all adjoining States or near-by States ought to have the right to the use of a reasonable portion of it. For that reason I hope Senators will think it over during the night, because it is a matter of the utmost importance to all of us who live outside of the State of Alabama. I do not believe that the State commission of any one State should control the distribution of this power. It is a matter of most vital importance to my own State, which is near by. I am sure the Senator from Alabama would not want to be unjust or unfair to any sister State; but we are preparing a law here for 50 years and we ought to be exceedingly careful about it.

Mr. CURTIS. Mr. President——

Mr. McKELLAR. I yield to the Senator from Kansas.

Mr. CURTIS. I know that this matter can not be disposed of to-night, and I ask the Senator to yield in order that I may move that the Senate proceed to the consideration of executive business.

Mr. McKELLAR. I yield to the Senator for that purpose.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 10, 1924, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 9 (legislative day of December 8), 1924

UNITED STATES DISTRICT JUDGE

Guy H. Martin to be United States district judge for the Canal Zone.

UNITED STATES ATTORNEYS

Julien A. Hurley to be United States attorney, fourth division, district of Alaska.

George Stephan to be United States attorney, district of Colorado.

John Buckley to be United States attorney, district of Connecticut.

David J. Reinhardt to be United States attorney for the district of Delaware.

REGISTERS OF LAND OFFICE

William H. H. Heckman to be register of the land office at Eureka, Calif.

Charles E. Player to be register of the land office at Independence, Calif.

William H. Dickinson to be register of the land office at Lander, Wyo.

James J. Donegan to be register of the land office at Burns, Oreg.

John H. Peare to be register of the land office at La Grande, Oreg.

APPOINTMENTS IN THE REGULAR ARMY

TO BE SECOND LIEUTENANTS WITH RANK FROM JUNE 12, 1924

Corps of Engineers

Cadet Wallace Howard Hastings.
Cadet Emerson Leroy Cummings.
Cadet Fisher Shinholt Blinn.
Cadet Donald Charles Hill.
Cadet Reginald Langworthy Dean.
Cadet Merrow Egerton Sorley.
Cadet Philip Robison Garges.
Cadet John Ludden Mousseau Des Islets.
Cadet Gerald Joseph Sullivan.
Cadet Arthur Gilbert Trudeau.
Cadet Emerson Charles Itschner.
Cadet Howard Ker.
Cadet Herbert Davis Vogel.
Cadet Fremont Swift Thompson.
Cadet Emil John Peterson.
Cadet Gordon Edmund Textor.
Cadet Clinton Frederick Robinson.
Cadet Frederic Allison Henney.
Cadet Leonard Lawrence Bingham.

Signal Corps

Cadet John Henry Brewer.
Cadet Victor Allen Conrad.
Cadet Francis Elmer Kidwell.
Cadet Cary Judson King, jr.
Cadet Jesse Bernard Wells.
Cadet John Sewell Thompson.
Cadet James Stewart Willis.
Cadet Czar James Dyer.
Cadet Lawrence Wendall Adams.
Cadet Merton Goodfellow Wallington.
Cadet Emil Lenzner.

Cavalry

Cadet John Held Riepe.
Cadet Wendell Blanchard.
Cadet Charles George Meehan.
Cadet Harry Jordon Theis.
Cadet Lawrence Russell Dewey.
Cadet William Armstrong Bugher.
Cadet Wilbur Kincaid Noel.
Cadet Andrew Allison Frierson.
Cadet Carl William Albert Raguse.
Cadet Henry Sterling Jernigan.
Cadet Frank Jay Thompson.
Cadet Augustine Davis Dugan.
Cadet Clarence William Bennett.
Cadet Gordon Byrom Rogers.
Cadet George Curnow Claussen.
Cadet Murray Bradshaw Crandall.
Cadet William Joseph Reardon.
Cadet George William Busbey.
Cadet William Louis Howarth.
Cadet Cary Brown Hutchinson.
Cadet Clarence Keith Darling.
Cadet Joe L. Loutzenheiser.
Cadet Zachary Winfield Moores.
Cadet William Bellemere Wren.
Cadet Peter Conover Hains, 3d.
Cadet Harry Taylor Cavanaugh.
Cadet Bernard Warren Justice.
Cadet Frank Glover Trew.
Cadet Walter Louis Weinaug.
Cadet John Harry Stadler, jr.
Cadet Laurence Knight Ladue.

Field Artillery

Cadet George Dakin Crosby.
Cadet Ernest Orrin Lee.
Cadet Charles Day Palmer.
Cadet Samuel Vance Krauthoff.
Cadet George Arthur Duerr.
Cadet Raymond Thomas Beurket.
Cadet John Franklin Williams.
Cadet Amel Thomas Leonard.
Cadet Harry Van Wyk.
Cadet Glenn Bruce McConnell.
Cadet Raymond Hendley Coombs.
Cadet Wellington Alexander Samouce.
Cadet William Hubbard Barksdale, jr.
Cadet Robert Clement Lawes.
Cadet Oren Wilcox Rynearson.
Cadet James Thomas Loome.
Cadet Leslie Seekell Fletcher.
Cadet Thomas Edwin Binford.
Cadet Marcus Butler Stokes, jr.
Cadet Francis Marion Day.
Cadet Bernard Francis Luebbermann.
Cadet James Angus Watson, jr.
Cadet Russell Layton Mabie.
Cadet William John Eyerly.
Cadet George Dunbar Pence.
Cadet Lester Joseph Tacy.
Cadet Charles Lanier Dasher, jr.
Cadet Perry William Brown.
Cadet Lindsay Patterson Caywood.
Cadet Vonna Fernleigh Burger.
Cadet Charles Dwelle Daniel.
Cadet James Alexander Davidson, jr.
Cadet John Gilbert Moore.
Cadet Edward Lynn Andrews.
Cadet James Grafton Anding.
Cadet Joseph Rogers Burrill.

Cadet Francis Anthony Kreidel.
Cadet Nathaniel Clay Cureton, jr.
Cadet Howard Everett Kessinger.
Cadet Walter Armin Linn.
Cadet Walton Gracey Procter.
Cadet Eleazar Parmly, 3d.
Cadet Edward Orlando McConahay.
Cadet William Joseph Cleary.
Cadet Oliver Malcolm Barton.
Cadet Bjarne Furuholmen.
Cadet Charles Pelot Summerall, jr.
Cadet Thomas George McCulloch.
Cadet Frederick Cruger Pyne.
Cadet Louis Chadwick Friedersdorff.
Cadet Walter Domenick Marinelli.
Cadet Daniel Francis Healy, jr.
Cadet George Hinkle Steel.
Cadet John Philip Maher, jr.
Cadet Frank Smith Kirkpatrick.
Cadet George Walter Vaughn.
Cadet Thomas Jefferson Holmes, jr.
Cadet William Harry Bertsch, jr.
Cadet William Reineman Forbes.
Cadet Gerald Jay Reid.
Cadet James William Clyburn.
Cadet Roy Deck Reynolds.
Cadet David Griffith Erskine.
Cadet Albert Newton Stubblebine, jr.
Cadet Robert Charles Cameron.
Cadet William Leo Coughlin.
Cadet William Thaddeus Sexton.
Cadet Robert Augustus Ellsworth.
Cadet George Edmund Wrockloff, jr.
Cadet Carroll Riggs Griffin.
Cadet Charles Edward Hart.
Cadet Kenneth Negley Decker.
Cadet Thomas Allen Jennings.
Cadet Joseph Massaro.
Cadet James Barry Kraft.
Cadet Howard Jehn John.
Cadet Charles Loomis Booth.

Coast Artillery Corps

Cadet Robert Vernon Lee.
Cadet Benjamin Schultz Mesick, jr.
Cadet Frank Lawrence Lazarus.
Cadet Everett Chalmers Wallace.
Cadet Vernum Charles Stevens.
Cadet Floyd Allen Mitchell.
Cadet Joseph Peter Shumate.
Cadet Robert Lee Miller.
Cadet John Ismert Hincke.
Cadet Elmer Ernest Count, jr.
Cadet Robert Ward Berry.
Cadet Harold Peabody Tasker.
Cadet Claude Earl Moore.
Cadet Grayson Schmidt.
Cadet Leslie Earl Simon.
Cadet Ralph Irvin Glasgow.
Cadet James William Alexander McNary.
Cadet Harold Phineas Gard.
Cadet William Lloyd Richardson.
Cadet Ovid Thomason Forman.
Cadet George Wesley Palmer.
Cadet Clark Cornelius Witman.
Cadet Ernest August Merkle.
Cadet Herbert Theodore Benz.
Cadet Clarence Everett Rothgeb.
Cadet George Bernard Finnegan, jr.
Cadet Peter Wesley Shunk.
Cadet Emil Pasolli, jr.
Cadet Sanford Joseph Goodman.
Cadet Gerald Goodwin Gibbs.
Cadet Frank Satchwell Lyndall, jr.
Cadet John Clair Smith.
Cadet George Edmund Young.
Cadet Albert Delmar Miller.
Cadet James Edward McGraw.
Cadet Darwin Denison Martin.
Cadet George Avery Tucker.
Cadet Clarence Sterling Raymond.
Cadet John Alfred McComsey.
Cadet Maxwell Wood Tracy.
Cadet William Lewis Johnson.
Cadet William Henry Kendall.

Infantry

Cadet Otis McCormick.
Cadet Thomas Du Val Roberts.
Cadet David Jerome Ellinger.
Cadet Francis John Clark.
Cadet Heyward Bradford Roberts.
Cadet Bruce Woodward Bidwell.
Cadet William Howard Arnold.
Cadet Charles Trueman Lanham.
Cadet Richard Warburton Stephens.
Cadet John Henry Haile, jr.
Cadet Richard Longworth Baughman.
Cadet Edwin Henry Harrison.
Cadet Cecil Ernest Henry.
Cadet Craig Alderman.
Cadet Charles Raeburne Landon.
Cadet George Arthur Hadsell, jr.
Cadet Earl Mattice.
Cadet Charles Goldsmith Stevenson, jr.
Cadet William Herbert Schaefer.
Cadet Ewing Hill France.
Cadet Edward Fearon Booth.
Cadet William Hill Lamberton.
Cadet Haydon Lemaire Boatner.
Cadet David Marcus.
Cadet James Edward Moore.
Cadet Silas Woodson Hosea.
Cadet Ellis Spurgeon Hopewell.
Cadet Harold James Keeley.
Cadet Richard Emmel Nugent.
Cadet Walter Allen Buck.
Cadet Cleland Charles Sibley.
Cadet George Morgan Kernan.
Cadet Francis Edwin Gillette.
Cadet Albert Kellogg Stebbins, jr.
Cadet Richard Givens Prather.
Cadet Douglas Byron Smith.
Cadet Robert Edward Cullen.
Cadet Samuel Glenn Conley.
Cadet Stephen Wilson Ackerman.
Cadet Lewis Spencer Kirkpatrick.
Cadet Charles Hunter Coates.
Cadet Otto Lauren Nelson, jr.
Cadet John Curtis LaFayette Adams.
Cadet Robert Wells Harper.
Cadet Augustus Jerome Regnier.
Cadet Willard Koehler Liebel.
Cadet John Archer Stewart.
Cadet Lewis Curtis Barkes.
Cadet George Alvin Millener.
Cadet Robert Harvey Thompson, jr.
Cadet Russell Andrew Baker.
Cadet Paul Cooper.
Cadet Lee William Gilford.
Cadet Ralph Pulsifer.
Cadet Logan Carroll Berry.
Cadet Onto Price Bragan.
Cadet Gilbert Francis Baillie.
Cadet Robert Joseph McBride.
Cadet Charles Ward Van Way, jr.
Cadet Harry Dillon McHugh.
Cadet Armistead Davis Mead, jr.
Cadet Charles Harold Royce.
Cadet George Patrick O'Neill.
Cadet Oswaldo de la Rosa.
Cadet Henry Coates Burgess.
Cadet James Edgar Macklin, 2d.
Cadet Armand Joseph Salmon.
Cadet Frederick Raymond Keeler.
Cadet Edward Amedee Chazal.
Cadet Reed Graves.
Cadet Mark Edward Smith, jr.
Cadet John Gillespie Hill.
Cadet Wolcott Kent Dudley.
Cadet Andrew Suter Gamble.
Cadet Earl Lynwood Scott.
Cadet Andrew Paul Foster, jr.
Cadet John Jacob Outcalt.
Cadet Melvin Eugene Meister.
Cadet Hobart Amory Murphy.
Cadet William Henry Maglin.
Cadet Camille Henry Duval.
Cadet William Samuel Triplet.
Cadet George Winfered Smythe.
Cadet Jesse Thomas Traywick, jr.

Cadet Leslie Ellis Griffith.
Cadet Philip McCaffrey Kernan.
Cadet Howard Alexander Malin.
Cadet James Earl Purcell.
Cadet John Archer Elmore, jr.
Cadet John Wesley Ramsey, jr.
Cadet Francis John Graling.
Cadet Nye Kirwin Elward.
Cadet James Pierce Hulley.
Cadet Samuel Waynne Smithers.
Cadet Kenneth Rector Bailey.
Cadet Lucien Francis Wells, jr.
Cadet Richard Tonkin Mitchell.
Cadet Samuel Henry Fisher.
Cadet Dennis Milton Moore.
Cadet Charles Roger Bonnett.
Cadet Val Evans.
Cadet Clark Norace Bailey.
Cadet Victor Emmanuel Phasey.
Cadet Clyde Davis Eddleman.
Cadet Russell Leonard Moses.
Cadet Sarratt Thaddeus Hames.
Cadet Virgil Rasmuss Miller.
Cadet James Somers Stowell.
Cadet Bertel Eric Kuniholm.
Cadet Michael Henry Cleary.
Cadet Robert Cantrill Polsgrove.
Cadet George Edwin Penton.
Cadet Reeve Douglas Keiler.
Cadet George Emmert Elliott.
Cadet William Wallace Cornog, jr.
Cadet Demas Thurlow Craw.
Cadet Henry Isaac Kiel.
Cadet Daniel Harrison Hundley.
Cadet William Walrath Lloyd.
Cadet Jacob Robert Moon.
Cadet Thomas Harrison Allen.
Cadet Raymond Rodney Robins.
Cadet Ralph Parker Eaton.
Cadet Henry Dahnke.
Cadet Clement Hypolite Dabezies.
Cadet George Harvey Doane.
Cadet Walter Dewey Gillespie.
Cadet Robert Carlyle Andrews.
Cadet Herbert Frank McGuire Matthews.
Cadet Buford Alexander Lynch, jr.
Cadet William James Brunner.
Cadet Albert John Dombrowsky.
Cadet Jean Dorbant Scott.
Cadet Robert Walter Stika.
Cadet Ovid Oscar Wilson.
Cadet Martin Frank Hass.
Cadet Edward John Hirz.
Cadet Clarence William Hoeper.

Air Service

Cadet Albert Fox Glenn.
Cadet Earle Everard Partridge.
Cadet Fred Arley Ingalls.
Cadet Herbert Theodore Schaefer.
Cadet Robin Bernard Pape.
Cadet Clyde Massey.
Cadet Robert Lyle Brookings.
Cadet Eugene Barber Ely.
Cadet George Anthony Bicher.
Cadet Leo Douglas Vichules.
Cadet Uzal Girard Ent.
Cadet Worth Harper.
Cadet Donald Dean Rule.
Cadet James Frederick Howell, jr.
Cadet John Phillips Kirkendall.
Cadet Joseph Aloysius Kielty.
Cadet Robert Roy Selway, jr.
Cadet Leslie Alfred Skinner.
Cadet James Edwards Poore, jr.
Cadet Washington Mackey Ives, jr.
Cadet John Jacob Williams.
Cadet Luther Stevens Smith.
Cadet Warfield Richardson Wood.
Cadet Howard McMath Turner.
Cadet Leonard Henry Rodieck.
Cadet Alexander George Greig.
Cadet John Lyman Hitchings.
Cadet Kenneth Crawford Strother.
Cadet Edward Higgins White.
Cadet James Hewins, jr.
Cadet Denis James Mulligan.
Cadet Paul Albert Pickhardt.
Cadet William Olmstead Eareckson.
Cadet Francis Robert Stevens.
Cadet Richard Weigand Gibson.
Cadet George Almond Ford.
Cadet Felix Marcinski.
Cadet Rupert Davidson Graves.
Cadet John Reynolds Hawkins.
Cadet Ralph Emanuel Fisher.
Cadet John Harold Claybrook, jr.
Cadet Francis William Johnson.
Cadet Ralph Arthur Koch.
Cadet George Edward Lightcap, jr.
Cadet George James Smith.
Cadet John O'Day Murtaugh.
Cadet Arthur LeRoy Bump, jr.
Cadet William John Renn, jr.
Cadet Irving Ballard Greene.
Cadet Harold Currie King.
Cadet Richard Gernant Herbine.
Cadet Ralph Houston Lawter.
Cadet Noah Mathew Brinson.
Cadet Leighton Marion Clark.
Cadet Cornelius Walter Cousland.

TO BE SECOND LIEUTENANTS WITH RANK FROM JUNE 14, 1924

Corpl. William Frederick Kellotat, Infantry.
Staff Sergt. James Goodrich Megirt, Quartermaster Corps.
Corpl. Floyd Fausett, Coast Artillery Corps.
Staff Sergt. William Ewing Baker, Infantry.
Staff Sergt. Raleigh Raymond Hendrix, Coast Artillery Corps.
Staff Sergt. Duane Grant Warner, Air Service.

TO BE SECOND LIEUTENANTS WITH RANK FROM JUNE 15, 1924

Howard Donald Criswell, Infantry.
Edwin Harvey Auerbach, Ordnance Department.
Robert Douglas McLeod, jr., Chemical Warfare Service.
Glenn Newman, Coast Artillery Corps.
William George Devens, Coast Artillery Corps.
Charles Edward Shepherd, Coast Artillery Corps.
Walker Wesley Holler, Coast Artillery Corps.
Leon Clinton Hull, Coast Artillery Corps.
Daniel Jerome Martin, Infantry.
Malin Craig, jr., Field Artillery.
Forrest James French, Coast Artillery Corps.
Joseph Howard Gibbons, jr., Coast Artillery Corps.
William Francis Bullis, Signal Corps.
Henry Frederick Garcia, Field Artillery.
Samuel Howard Morrow, Coast Artillery Corps.
Norman Blakesley Simmonds, Coast Artillery Corps.
Vern Walbridge, Coast Artillery Corps.
Winfield Wayne Scott, Field Artillery.
Sylvan Berliner, Coast Artillery Corps.
Joris Bliss Rasbach, Field Artillery.
John Berrington Stackhouse, Infantry.
Herman Lester Darnstaedt, Infantry.
Leonard Marion Johnson, Field Artillery.
Henry Kipp Vreeland, Field Artillery.
John England Catlin, Infantry.
Chester Archibald Rowland, Corps of Engineers.
John Sterling Taylor, jr., Infantry.
Ernest Gaskins, Infantry.
Louis Bernard Rutte, Infantry.
Harold Jefferson Johnson, Air Service.
Nunez Christian Pilet, Infantry.
Arthur Willink, Ordnance Department.
Stephen Smith Hamilton, Infantry.
Farris Newton Latimer, Infantry.
Carl Joseph Crane, Air Service.
John Douglas Salmon, Infantry.
James Peurifoy Hill, Infantry.
William Arthur Cole, Infantry.
Bryan Maxwell Jacobs, Air Service.
Raymond Dishmann Palmer, Cavalry.
Murray Eberhart McGowan, Infantry.
George Francis Seyle, Infantry.
Harrison Wells Davison, Cavalry.
Thomas Clagett Wood, jr., Infantry.
George Henry Decker, Infantry.
Conrad Lewis Boyle, Cavalry.
Edward Joseph O'Neill, Infantry.

Robert Reinhold Martin, Infantry.
John Perry Willey, Cavalry.
John Vogler Tower, Infantry.
Harry Donald Eckert, Cavalry.
George Edward Isaacs, Infantry.
Harold Francis Chrisman, Infantry.
Henry Landon McCord, Infantry.
George Cooper Reinhardt, Corps of Engineers.
William Crowell Saffarrans, Infantry.
William Joseph Bradley, Cavalry.
Clark Louis Ruffner, Cavalry.
Ridgely Gaither, jr., Infantry.
John Randolph Armstrong, Air Service.
Earl William Aldrup, Quartermaster Corps.
Conrad Gordon Follansbee, Field Artillery.
John Henry Sampson, jr., Field Artillery.
George August Zeller, Ordnance Department.
August Edward Schanze, Infantry.
Howard Eugene Engler, Cavalry.
Thomas Adams Doxey, jr., Field Artillery.
John Mason Reynolds, Infantry.
William Donald Old, Air Service.
Grovener Cecil Charles, Infantry.
Andral Bratton, Field Artillery.
Harold Mills Manderbach, Field Artillery.
Lawrence Clifton Elliott, Air Service.
Harry William Coon, Air Service.
James Regan, jr., Field Artillery.
George Laurence Holsinger, Field Artillery.
Harold Witte Uhrbrock, Infantry.
Elmer Theodore Rundquist, Air Service.
Raymond Charles Lane, Infantry.
David Marshall Ramsay, Air Service.
Sheldon Perkins McNickle, Infantry.
Will Knox Stennis, Field Artillery.
Everitte Favor Arnold, Infantry.
Harold George Peterson, Air Service.
George Francis Schulgen, Air Service.
Otto Paul Weyland, Air Service.
Reginald Roan Gillespie, Air Service.
Kirtley Jameson Gregg, Air Service.
George Aldridge Whatley, Air Service.
Frank Riley Loyd, Air Service.
Harry William Miller, Air Service.
Sheldon Brightwell Edwards, Air Service.
Clarence Steven Thorpe, Air Service.
Paul Ready Greenhalgh, Air Service.
Howard Hunt Couch, Air Service.
Wilfred Joseph Paul, Air Service.
Glenn L. Davasher, Air Service.
Charles Stowe Stodter, Signal Corps.

APPOINTMENT IN THE PHILIPPINE SCOUTS

Cadet Ricardo Poblete to be second lieutenant with rank from June 12, 1924.

POSTMASTERS

ALABAMA

John G. Bass, Birmingham.

ALASKA

Mark A. Winkler, Nome.

COLORADO

Dwight K. Foster, Paonia.

ILLINOIS

John H. Bayless, Colchester.
George E. Carlson, Moline.

IOWA

Bernard E. Fraley, Albion.
Della Douthit, Braddyville.
Harriet Smith, Bucknell.
Earl E. Silver, Center Point.
Earl P. Patten, Danbury.
Perry E. Rose, Earlham.
Emil Kaloupek, Elberon.
Harry E. Blomgren, Fort Dodge.
George T. Stauffer, Garrison.
Estella Griffin, McIntire.
Mollie Daley, Parnell.
Arthur W. McIsaac, Rockwell City.
Frank E. Lundell, Stratford.
William Stevens, Templeton.

KANSAS

Enos F. Halbert, Chapman.
Emil Dolecek, Holyrood.
Maud Williams, Lenexa.
Pearl M. Mickey, Zurich.

MICHIGAN

Edna M. Park, Alden.
George W. Paton, Almont.
June L. Oliver, Beaverton.
Oscar Keckonen, Calumet.
Euphemia Hunter, Cass City.
Alpheus P. Decker, Deckerville.
Willard A. Hilliker, Dryden.
John W. Aldrich, Falmouth.
Victor H. Sisson, Freeport.
John Anderson, Gwinn.
Edwin W. Klump, Harbor Beach.
Herbert E. Gunn, Holt.
Norman E. Weston, Kent City.
Ernest L. Storbeck, Kinde.
Gertrude Oyster, Maltby.
Noel H. Allen, Maple Rapids.
David J. Doherty, Marlette.
Thomas H. Berryman, Mohawk.
Clinton E. Aukerman, Montgomery.
Harry W. Stockman, Oscoda.
Ida M. Ludwick, Pewamo.
M. Adele Zinger, Ruth.
Fred Alford, sr., Vulcan.
Willa A. Ruggles, Whitehall.

MINNESOTA

Fred E. Logelin, Belleplaine.
Nelson S. Erb, Faribault.
Carl A. Qvale, Farmington.
Frank T. O'Gorman, Goodhue.
Edward C. Ellertson, Gully.
Elizabeth Doyle, Maple Lake.
James H. Pelham, Menahga.
Peter W. Gorrie, Morristown.
Ernest E. Meyer, Norwood.
Mary A. Mogren, Ortonville.
Frank W. Hanson, Rush City.
Lorenzo J. Gault, St. Peter.
Emil Rasmussen, Sleepy Eye.
Bennie H. Holte, Starbuck.
Albert W. Knaak, Waterville.
Carrie B. Quinn, Wells.
Arnold C. Klug, Zumbrota.

NORTH CAROLINA

Ella N. Painter, Cullowhee.
Frances K. Thagard, Pembroke.

OREGON

Charles O. Hendrix, Alsea.
George C. Peterson, Bay City.
Albert N. Johnson, Estacada.
Edith Glover, Grand Ronde.
Charles W. St. Dennis, Lakeside.
Emma M. C. Brashears, Lexington.
Sadie B. Jones, Oakridge.
Erle N. Hurd, Seaside.
Frederick C. Robison, Taft.
Mary F. Schultz, West Linn.

PENNSYLVANIA

William C. Bubb, Dalmatia.
James Matchette, Hokendauqua.
Clarence E. Grim, Windsor.

SOUTH CAROLINA

Stanley W. Crews, Laurens.
John W. Willis, Lynchburg.
Albert H. Askins, Timminsville.

WASHINGTON

Joseph F. Fea, Dalkena.
Thurston B. Stidham, Doty.
Andrew J. Grant, Harrington.
William C. Hubbard, Klickitat.
Elizabeth M. White, Monitor.
Ed V. Pressentin, Rockport.
Bella C. Valentine, Satsop.
Audley Butler, Selleck.

WYOMING

Burton R. Jones, Greybull.
John G. Bruce, Lander.
Maxwell L. Jourdan, Medicine Bow.

HOUSE OF REPRESENTATIVES

TUESDAY, *December 9, 1924*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thy mercy, O Lord, is in the heavens and Thy majesty and power reach unto the ends of the earth. Turn unto us again and give Thy presence unto Thy children. May we not fail to hallow the gifts of life. Enable us to be strong in our judgments, rich in our charity, and just in our interpretation of one another. This day preserve us from intemperate speech, from harshness in our conduct, and from bitterness in our spirit. O help us to comprehend the grandeur of Thy law, the love of the Gallilean Teacher, and to be aware of the exceeding sinfulness of sin. Bless us with deep thoughts, deep emotions, and high ideals that keep us in fellowship with things above. Sometime, our heavenly Father, lead us into a fuller knowledge of Thy compelling love that shall abound in purity and peace in our humble lives. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE PANAMA CANAL RAILROAD CO.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the seventy-fifth annual report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1924.*

THE PANAMA CANAL

The SPEAKER also laid before the House the following message from the President of the United States, which, with accompanying papers, was referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1924.*

PORTO RICO

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 23 of the act of Congress, approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of certain acts and resolutions enacted by the Tenth Legislature of Porto Rico during its second special session (June 11 to June 21, 1924, inclusive).

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed as a public document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1924.*

BUREAU OF EFFICIENCY

The SPEAKER also laid before the House the following message from the President, which was read, and, with accompanying report, referred to the Committee on Appropriations:

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1923, to October 31, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1924.*

REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with accompanying report, referred to the Committee on Appropriations:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I submit herewith the tenth annual report of the committee for the fiscal year ended June 30, 1924.

The attention of the Congress is invited to Part V of the committee's report, presenting a summary of the present status of aviation with reference to the existing governmental organization, the agencies for coordination, and the relation of aeronautical research, the aircraft industry, and commercial aviation to the problems of national defense. I concur in the committee's general recommendations and agree that in the last analysis substantial progress in aviation is dependent upon the continuous prosecution of scientific research.

When the National Advisory Committee for Aeronautics was established by Congress in 1915 there was a deplorable lack of technical information on aeronautics in this country. In submitting this, the tenth annual report of the committee, I feel that it is appropriate to say a word of appreciation of the high-minded and patriotic services of the men who have faithfully served their country without compensation as members of this committee and of its subcommittees. Through this committee the talent of America has been marshaled in the scientific study of the problems of flight, with the result that to-day America occupies a position in the forefront of progressive nations in the technical development of aeronautics. The status of the committee as an independent Government establishment has largely made possible its success.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1924.*

PUBLIC SERVICE COMMISSION OF PORTO RICO

The SPEAKER also laid before the House the following message from the President, which was read, and, with accompanying papers, referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of each of 16 franchises granted by the Public Service Commission of Porto Rico. The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War, transmitting them to me.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1924.*

ELECTION OF A MEMBER TO THE JUDICIARY COMMITTEE

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

House Resolution 374

Resolved, That WILLIAM B. BOWLING, of Alabama, be, and he is hereby, elected a member of the standing Committee of the House on the Judiciary.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

THE JUDICIARY COMMITTEE

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit Monday afternoon next during the session of the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee on the Judiciary may sit next Monday afternoon during the session of the House. Is there objection?

There was no objection.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I call up the unfinished business, the bill H. R. 10020, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes, and ask for a vote.

The SPEAKER. The gentleman from Michigan calls up the unfinished business, which is the Department of the Interior appropriation bill.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Obviously, there is not.

Mr. SANDERS of Indiana. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 3]

Abernethy	Gallivan	Miller, Ill.	Sears, Nebr.
Ayres	Geran	Mills	Sherwood
Buckley	Goldsborough	Moore, Ill.	Smithwick
Burdick	Griffin	Morgan	Stalker
Cable	Hammer	Nelson, Wis.	Strong, Pa.
Carew	Howard, Nebr.	Newton, Mo.	Sullivan
Clancy	Jeffers	O'Brien	Taylor, Colo.
Clark, Fla.	Johnson, S. Dak.	O'Connor, N. Y.	Tilson
Clarke, N. Y.	Kahn	Oliver, N. Y.	Tinkham
Connally, Tex.	Kearns	Parks, Ark.	Tydings
Connolly, Pa.	Kendall	Perkins	Underhill
Corning	Kiess	Phillips	Ward, N. Y.
Davey	Kunz	Porter	Ward, N. C.
Dominick	Langley	Prall	Weller
Doyle	Larson, Minn.	Ransley	Williams, Mich.
Drewry	Linthicum	Reed, W. Va.	Williams, Tex.
Eagan	Logan	Roach	Winslow
Edmonds	McKenzie	Rogers, Mass.	Wolff
Fairchild	McSwain	Rogers, N. H.	Woodrum
Fitzgerald	Manlove	Romjue	Yates
Funk	Michaelson	Schall	Zihlman

The SPEAKER. Three hundred and forty-six Members have answered to their names, a quorum.

Mr. SANDERS of Indiana. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The previous question was ordered upon the appropriation bill for the Department of the Interior. Is a separate vote demanded upon any amendment?

Mr. CRAMTON. Mr. Speaker, I demand a separate vote upon the amendment with reference to the abolition of certain land offices, the amendment striking out the proviso on page 12 of the bill.

The SPEAKER. The gentleman from Michigan demands a separate vote upon the land-office provision.

Mr. SINNOTT. Mr. Speaker, I ask the gentleman from Michigan whether that is my amendment?

Mr. CRAMTON. Yes; it is the Sinnott amendment.

The SPEAKER. Is a separate vote demanded upon any other amendment? If not, the Chair will put the other amendments en grosse. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The question now recurs upon agreeing to the amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 10, after the word "Wyoming," strike out all of the paragraph down to and including line 4 on page 13, the language stricken out being as follows: *"Provided further,* That the following land offices are hereby abolished, effective July 1, 1925: Harrison, Ark.; El Centro, Eureka, Independence, and Susanville, Calif.; Del Norte, Durango, Lamar, Leadville, and Sterling, Colo.; Blackfoot, Coeur d'Alene, and Hailey, Idaho; Topeka, Kans.; Crookston and Duluth, Minn.; Jackson, Miss.; Billings, Bozeman, Glasgow, Great Falls, Kalispell, and Lewistown, Mont.; Alliance, Nebr.; Elko, Nev.; Clayton and Fort Sumner, N. Mex.; Dickinson, N. Dak.; Burns and La Grande, Oreg.; Bellefourche, S. Dak.; Vernal, Utah; Vancouver, Walla Walla, Waterville, and Yakima, Wash.; Wausau, Wis.; Cheyenne and Newcastle, Wyo., and their necessary personnel, together with such records, furniture, and supplies as may be necessary, shall be transferred to such of the land offices enumerated above and not abolished by this act as the Secretary of the Interior may direct, except that the records of the Topeka, Kans.; Jackson, Miss.; and Wausau, Wis., land offices shall be disposed of in accordance with existing law."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. TILLMAN) there were—ayes 122, noes 107.

Mr. CRAMTON. Mr. Speaker, on this vote I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 185, nays 162, not voting 85, as follows:

[Roll No. 4]

YEAS—185

Allen	Black, N. Y.	Bulwinkle	Collier
Allgood	Bland	Burtness	Collins
Almon	Bloom	Busby	Colton
Aswell	Bowling	Canfield	Connally, Tex.
Bankhead	Boylan	Carew	Cooper, Ohio
Barbour	Brand, Ga.	Celler	Cooper, Wis.
Beck	Briggs	Christopherson	Crisp
Bell	Browne, Wis.	Clague	Croll
Berger	Browning	Cleary	Crowther
Cullen	Johnson, Ky.	Moore, Va.	Sites
Cummings	Kearns	Moores, Ind.	Smith
Curry	Keller	Morehead	Spearing
Dickinson, Iowa	Kerr	Morgan	Stedman
Dickstein	Kindred	Morin	Stengle
Doughton	King	Morris	Stephens
Drane	Knutson	Morrow	Summers, Wash.
Driver	Kopp	Newton, Mo.	Swank
Evans, Mont.	Kurtz	Nolan	Sweet
Favrot	Kvale	O'Connell, N. Y.	Swing
Fisher	Lampert	O'Connor, La.	Tague
Frear	Lankford	Oldfield	Taylor, Colo.
Free	Larsen, Ga.	Park, Ga.	Taylor, Tenn.
French	Lazaro	Peavey	Taylor, W. Va.
Fulmer	Lea, Calif.	Pou	Thomas, Okla.
Garber	Leatherwood	Prall	Tillman
Gardner, Ind.	Leavitt	Quayle	Timberlake
Gasque	Lee, Ga.	Quin	Upshaw
Gifford	Lilly	Ragon	Vaile
Glatfelter	Lindsay	Rainey	Vinson, Ga.
Hadley	Lowrey	Raker	Voigt
Hall	Lyon	Rankin	Watkins
Hardy	McClintic	Rathbone	Weaver
Harrison	McDuffie	Reed, N. Y.	Wefald
Hastings	McFadden	Richards	Welsh
Hawley	McKeown	Robinson, Iowa	Wertz
Hayden	McNulty	Robsion, Ky.	White, Kans.
Hickey	McReynolds	Rouse	Williamson
Hill, Ala.	McSweeney	Rubey	Wilson, Ind.
Hill, Wash.	Major, Mo.	Sandlin	Wilson, La.
Hooker	Mansfield	Schafer	Wilson, Miss.
Howard, Okla.	Martin	Schneider	Wingo
Hudspeth	Mead	Sears, Fla.	Winter
Hull, Iowa	Merritt	Sears, Nebr.	Wright
Humphreys	Miller, Wash.	Shallenberger	Wurzbach
Jacobstein	Mooney	Simmons	
James	Moore, Ga.	Sinclair	
Johnson, Wash.	Moore, Ohio	Sinnott	

NAYS—162

Ackerman	Davis, Tenn.	Johnson, W. Va.	Sabath
Aldrich	Deal	Jones	Salmon
Anderson	Denison	Jost	Sanders, Ind.
Andrew	Dickinson, Mo.	Kelly	Sanders, N. Y.
Anthony	Dowell	Kent	Sanders, Tex.
Arnold	Dyer	Ketcham	Scott
Bacharach	Elliott	Kincheloe	Seger
Bacon	Evans, Iowa	LaGuardia	Shreve
Barkley	Fairfield	Lanham	Snyder
Beedy	Faust	Leach	Speaks
Beers	Fenn	Lehlbach	Sproul, Ill.
Begg	Fish	Lozier	Sproul, Kans.
Bixler	Fleetwood	Luce	Steagall
Black, Tex.	Foster	McLaughlin, Mich.	Stevenson
Blanton	Freeman	McLeod	Strong, Kans.
Boies	Frothingham	MacGregor	Sumners, Tex.
Box	Fulbright	MacLafferty	Swoope
Boyce	Fuller	Magee, N. Y.	Taber
Brand, Ohio	Funk	Magee, Pa.	Temple
Britten	Gambrill	Major, Ill.	Thatcher
Browne, N. J.	Garner, Tex.	Mapes	Thomas, Ky.
Brumm	Garrett, Tenn.	Michener	Thompson
Buchanan	Garrett, Tex.	Milligan	Tincher
Burton	Gibson	Minahan	Treadway
Butler	Gilbert	Montague	Tucker
Byrnes, S. C.	Graham	Moore, Ill.	Underwood
Byrns, Tenn.	Green	Murphy	Vare
Campbell	Greenwood	Nelson, Me.	Vestal
Cannon	Griest	Newton, Minn.	Vincent, Mich.
Carter	Guyer	O'Connell, R. I.	Vinson, Ky.
Chindblom	Haugen	O'Sullivan	Wainwright
Clancy	Hawes	Paige	Ward, N. Y.
Cole, Iowa	Hersey	Parker	Wason
Cole, Ohio	Hill, Md.	Patterson	Watres
Connery	Hoch	Peery	White, Me.
Cook	Holaday	Perlman	Williams, Ill.
Cramton	Huddleston	Purnell	Wood
Crosser	Hudson	Ramseyer	Woodruff
Dallinger	Hull, Tenn.	Rayburn	Wyant
Darrow	Hull, M. D.	Reece	
Davis, Minn.	Johnson, Tex.	Reid, Ill.	

NOT VOTING—85

Abernethy	Goldsborough	Michaelson	Smithwick
Ayres	Griffin	Miller, Ill.	Snell
Buckley	Hammer	Mills	Stalker
Burdick	Howard, Nebr.	Nelson, Wis.	Strong, Pa.
Cable	Hull, W. E.	O'Brien	Sullivan
Casey	Jeffers	O'Connor, N. Y.	Tilson
Clark, Fla.	Johnson, S. Dak.	Oliver, Ala.	Tinkham
Clarke, N. Y.	Kahn	Oliver, N. Y.	Tydings
Connolly, Pa.	Kendall	Parks, Ark.	Underhill
Corning	Kiess	Perkins	Ward, N. C.
Davey	Kunz	Phillips	Watson
Dempsey	Langley	Porter	Weller
Dominick	Larson, Minn.	Ransley	Williams, Mich.
Doyle	Lineberger	Reed, Ark.	Williams, Tex.
Drewry	Linthicum	Reed, W. Va.	Winslow
Eagan	Logan	Roach	Wolff
Edmonds	Longworth	Rogers, Mass.	Woodrum
Fairchild	McKenzie	Rogers, N. H.	Yates
Fitzgerald	McLaughlin, Nebr.	Romjue	Zihlman
Fredericks	McSwain	Rosenbloom	
Gallivan	Madden	Schall	
Geran	Manlove	Sherwood	

So the amendment was adopted.

The Clerk announced the following pairs:

On this vote:

Mr. Parks of Arkansas (for) with Mr. Kiess (against).

Mr. McLaughlin of Nebraska (for) with Mr. Ayres (against).

General pairs:

Mr. Johnson of South Dakota with Mr. Jeffers.
Mr. Longworth with Mr. Gallivan.
Mr. Connolly of Pennsylvania with Mr. Sherwood.
Mr. Kendall with Mr. Hammer.
Mr. Madden with Mr. Griffin.
Mr. Watson with Mr. Smithwick.
Mr. Perkins with Mr. Abernethy.
Mr. Winslow with Mr. Corning.
Mr. Porter with Mr. Linthicum.
Mr. Dempsey with Mr. Tydings.
Mr. Larson of Minnesota with Mr. Geran.
Mr. Michaelson with Mr. Oliver of New York.
Mr. Tinkham with Mr. Howard of Nebraska.
Mr. Strong of Pennsylvania with Mr. Doyle.
Mr Rogers of Massachusetts with Mr. Rogers of New Hampshire.
Mr. William E. Hull with Mr. Drewry.
Mr. Snell with Mr. O'Connor of New York.
Mr. Zihlman with Mr. Kurtz.
Mr. Mills with Mr. Dominick.
Mr. Manlove with Mr. Weller.
Mr. Fitzgerald with Mr. Sullivan.
Mr. Ransley with Mr. Casey.
Mr. Burdick with Mr. Romjue.
Mr. Yates with Mr. Buckley.
Mr. Stalker with Mr. Reed of Arkansas.
Mr. Tilson with Mr. Davey.
Mr. Kahn with Mr. Wolff.
Mr. Phillips with Mr. McSwain.
Mr. Fairchild with Mr. Oliver of Alabama.
Mr. Williams of Michigan with Mr. Woodrum.
Mr. Underhill with Mr. Clark of Florida.
Mr. Roach with Mr. Eagan.
Mr. Miller of Illinois with Mr. Williams of Texas.
Mr. Fredericks with Mr. Goldsborough.
Mr. Nelson of Wisconsin with Mr. Logan.
Mr. Schall with Mr. Ward of North Carolina.
Mr. Clarke of New York with Mr. O'Brien.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CRAMTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the Secretary of the Interior.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by printing a letter from the Secretary of the Interior. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, December 9, 1924.

Hon. LOUIS C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: I wish to call your attention to the recommendations of the Commissioner of the General Land Office made to the Subcommittee on Appropriations of the House in the pending Interior bill.

It was estimated that the changes he suggests would effect a saving in administration totaling $617,010 annually, $255,280 of this amount from consolidation and elimination of local land offices. In my opinion these reductions can be made without detriment to the service and are warranted in economy of administration.

The Government does not lose the fees that otherwise would be collected by these land offices, as they would be paid into the nearest remaining land office. The public will not be particularly inconvenienced because of increased distances to be traveled, as 75 per cent of all land claims filed or brought to patent are initiated independent of a local land office before United States commissioners, judges, or clerks of courts.

Under existing law the Secretary of the Interior may close 21 land offices because of decrease in the quantity of undisposed lands; also he may close 52 offices because of disproportionate cost of operation as compared with diminishing income.

Owing to the fact that both laws operate to close the same offices in many cases, the total number that may be consolidated or abolished by the Secretary of the Interior without further legislation is 57.

The estimates of the General Land Office for the pending appropriation bill provide for the abolition of 39 offices and the consolidation of the positions of register and receiver in the remaining 45 offices.

Inclosed are memoranda showing the offices which may be consolidated and those that may be abolished under the law just mentioned. Those included in the Interior appropriation bill are marked by an asterisk.

The question before the House is the request of the General Land Office for authority to merge the positions of register and receiver in 45 offices and to abolish 39 land offices entirely. This would leave one or more land offices in every State with three exceptions, namely, Mississippi, Kansas, and Wisconsin, where there is a negligible amount of public land remaining, which may readily be handled through the Washington office.

This situation is recited here in order that Congress may be advised in connection with its consideration of the other changes recommended.

Very truly yours, HUBERT WORK.

CLASS I

Section 2248, United States Revised Statutes, provides as follows: "Whenever the quantity of public land remaining unsold in any land district is reduced to a number of acres less than 100,000, it shall be the duty of the Secretary of the Interior to discontinue the land office of such district, and if any land in any such district remains unsold at the time of the discontinuance of a land office the same shall be subject to sale at some one of the existing land offices most convenient to the district in which the land office has been discontinued of which the Secretary of the Interior shall give notice."

Under this section the following land offices, which have an area less than 100,000 acres remaining unsold (July 1, 1924), could be closed and consolidated with other offices without further legislation:

Alabama: Montgomery.
Arkansas: Harrison. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
California: Eureka. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
Colorado: Lamar, Sterling. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
Florida: Gainesville.
Idaho: Lewiston.
Kansas: Topeka. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
Louisiana: Baton Rouge.
Michigan: Marquette.
Minnesota: Duluth. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
Mississippi: Jackson. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
Montana: Kalispell. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
Nebraska: Alliance. (Among the 39 offices listed for closing by Interior Department appropriation bill), Lincoln.
New Mexico: Clayton. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
North Dakota: Bismarck.
Oklahoma: Guthrie.
South Dakota: Bellefourche. (Among the 39 offices listed for closing by Interior Department appropriation bill), Pierre.
Wisconsin: Wausau. (Among the 39 offices listed for closing by Interior Department appropriation bill.)

CLASS II

Section 2250, United States Revised Statutes, provides as follows: "Whenever the cost of collecting the revenue from the sales of the public lands in any land district is as much as one-third of the whole amount of revenue collected in such district it may be lawful for the President, if, in his opinion, not incompatible with the public interest, to discontinue the land office in such district and to annex the same to some other adjoining land district."

Under this section the following land offices, where the cost of operation exceeded one-third of the revenue (during the fiscal year ended June 30, 1924), may be discontinued without further legislation:

Arkansas: Harrison.[1]
California: El Centro,[1] Eureka,[1] Independence,[1] Sacramento, San Francisco, and Susanville.[1]
Colorado: Del Norte,[1] Durango,[1] Lamar,[1] Leadville,[1] and Sterling.[1]
Florida: Gainesville.
Idaho: Blackfoot,[1] Boise, Coeur d'Alene,[1] Hailey,[1] and Lewiston.
Kansas: Topeka.[1]
Louisiana: Baton Rouge.
Michigan: Marquette.
Minnesota: Cass Lake.
Mississippi: Jackson.[1]
Montana: Bozeman,[1] Great Falls,[1] Havre, Helena, Kalispell,[1] and Missoula.
Nebraska: Alliance[1] and Lincoln.
Nevada: Carson City and Elko.[1]
New Mexico: Clayton,[1] Fort Sumner,[1] Las Cruces, Roswell, and Santa Fe.
North Dakota: Dickinson.[1]
Oregon: Burns,[1] La Grande,[1] The Dalles, and Vale.
South Dakota: Bellefourche[1] and Rapid City.
Washington: Seattle, Vancouver,[1] Walla Walla,[1] and Yakima.[1]
Wisconsin: Wausau.[1]
Wyoming: Buffalo and Newcastle.[1]
Total, 52.

[1] One of the 39 offices listed for closing by the Interior Department appropriation bill.

Interior Department appropriation bill, fiscal year 1926—A comparative statement of the appropriations for 1925, the Budget estimates for 1926, and the amounts recommended in the accompanying bill for 1926

Object	Appropriations for 1925, including amounts in pending deficiency and field classification bills	Budget estimates for 1926	Amount recommended in the bill for 1926	Increase (+) or decrease (−), bill compared with 1925 appropriation	Increase (+) or decrease (−), bill compared with 1926 Budget estimates
GENERAL LAND OFFICE					
Salaries	$885,920.00	$805,000.00	$805,000.00	−$80,920.00	
Inspection, expenses of	5,000.00	3,000.00	3,000.00	−2,000.00	
Maps:					
United States and other	18,000.00	15,000.00	15,000.00	−3,000.00	
State and Territorial	1,500.00	1,300.00	1,300.00	−200.00	
Filing appliances	3,000.00			−3,000.00	
Surveyors general	214,680.00			−214,680.00	
Surveying public lands	792,820.00	840,290.00	840,290.00	+47,470.00	
Reproducing plats of surveys	5,000.00	6,000.00	6,000.0	+1,000.00	
Registers and receivers	315,000.00	125,000.00	125,000.00	−190,000.00	
Contingent expenses of land offices	415,280.00	350,000.00	350,000.00	−65,280.00	
Protecting public lands, timber, etc.	526,400.00	420,000.00	420,000.00	−106,400.00	
Hearings in land entries	15,000.00	15,000.00	15,000.00		
Restoration of lands in forest reserves	2,000.00	2,000.00	2,000.00		
Opening Indian reservations (reimbursable)	1,000.00	1,000.00	1,000.00		
Total, General Land Office	3,200,600.00	2,583,590.00	2,583,590.00	−617,010.00	

AGRICULTURAL APPROPRIATION BILL

Mr. MAGEE of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes, and, pending that, I would like to see if an arrangement can be made with the gentleman from Texas [Mr. BUCHANAN] in reference to the time for general debate.

Mr. BUCHANAN. I would say to the gentleman I have requests for two and a half hours on my side and any agreement that will give me that time will be satisfactory to me.

Mr. MAGEE of New York. I ask unanimous consent, Mr. Speaker, that the time for general debate be fixed at five hours, one-half of which time is to be controlled by the gentleman from Texas, and one-half by myself.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate be limited to five hours, half of which time to be controlled by himself and half by the gentleman from Texas. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion of the gentleman that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Agricultural appropriation bill, with Mr. TREADWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10404, the Agricultural appropriation bill. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes.

Mr. MAGEE of New York. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MAGEE of New York. Mr. Chairman, I ask unanimous consent for leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MAGEE of New York. Mr. Chairman and members of the committee, during the last session of the Congress the distinguished chairman of the subcommittee, Mr. ANDERSON, was ill. I was drafted to take charge of the bill which had been prepared by the subcommittee of which he is chairman. We very much desired that Mr. ANDERSON should take charge of this bill in the House, but he could not see his way clear to do so. However, he has kindly consented to sit with the subcommittee in the House during the consideration of this bill. I desire to express particularly my appreciation for his many acts of kindness and for the very valuable information which he has always been ready to give to me and the other members of the subcommittee in the preparation and drafting of this bill. I also wish to express my appreciation to my colleagues on the subcommittee for their effective work and cooperation in the preparation of this bill. Last but not least, I feel that I am voicing the sentiments of all my colleagues on the subcommittee in extending our very great appreciation to the efficient clerk of this committee, Mr. Barta, and his associates connected with the Committee on Appropriations of the House. Their preparatory work for the consideration of the subcommittee has been not only remarkably efficient but most thorough and complete.

I desire to state that the subcommittee has had the hearty cooperation of the Department of Agriculture in its work. We do not believe that it is wise to adopt a niggardly policy in making appropriations for agricultural purposes. We are an agricultural people and agriculture is our basic industry. There can be no continued prosperity of the country unless those engaged in agriculture are prosperous. Consequently in making appropriations for the Department of Agriculture we have endeavored to ascertain the needs of the department and to make appropriations reasonably sufficient for the department to function effectively.

In presenting the Agricultural appropriation bill for the fiscal year 1926 I shall not attempt a detailed review of all the items of appropriation carried in the bill, but rather shall endeavor to inform the committee of some of the more important features of the bill.

APPROPRIATIONS AND ESTIMATES

The detailed tabulation in the report gives the increase or decrease in the amounts recommended as compared with the appropriations for the current fiscal year and the estimates submitted by the President in the Budget for the fiscal year 1926. However, for the purpose of more clearly informing the membership of the committee the appropriations and estimates for the Department of Agriculture proper should be separated from the "cooperative construction of roads" items. With this in mind, I shall deal first with strictly departmental appropriations, and later will give the status of the funds relating to the cooperative construction of roads and trails and the Federal aid highway system.

For the fiscal year 1925 the total appropriations for the Department of Agriculture proper aggregated $46,714,436, and the estimates submitted in the Budget for the fiscal year 1926 totaled $44,002,000. It is recommended in the bill that appropriations of $44,637,715 be made for 1926, which sum represents a decrease of $2,712,436 under the appropriations for the current fiscal year, and which is an increase of $635,715 over the Budget estimates. However, during the present fiscal year an appropriation of $3,500,000 was made for the eradication of the foot-and-mouth disease, which sum for comparative purposes should not be included in the appropriations for 1925 inasmuch as it was made for a very special and urgent cause and does not occur annually. Therefore, deducting this sum from the total of the appropriations made for 1925, the actual amount available for activities of the Department of Agriculture proper amounted to $43,214,436, and this sum, compared with the appropriations recommended aggregating $44,637,715, shows that the bill under consideration is actually $1,423,279 in excess of the appropriations available for the current fiscal year. This increase can be accounted for principally as follows:

Eradication of tuberculosis	$200,994
Miscellaneous forest wages	84,050
Deciduous, forest, and truck-crop insects	50,000
Preventing spread of moths	149,840
Preventing spread of European corn borer	160,000
Japanese beetle control	38,930
Upper Mississippi River fish and game refuge	400,000
Cooperative forest-fire protection	258,100
Farm forestry and distribution of planting stock	100,000
Acquisition of additional forest lands	181,460

EXPENDITURES FOR PERSONAL SERVICES

There is contained in the bill a modified form of the average limitation clause inserted in all of the current appropriation bills, which restricts the average of all salaries paid under any grade under the classification act of 1923 to the average of the compensation rates for the grade. The principal differences between the average provision now in effect and that contained in the bill under consideration were made necessary by rulings of the Comptroller General of the United States, and in effect provide that the limitation shall specifically apply to those grades in which only one position is allocated, and do not require an employee passing from one grade to a higher grade to suffer a reduction in compensation because of such advance, and omits the words "or class thereof," which were deemed unnecessary in a ruling by the comptroller.

A further limitation upon the amount which might be expended for personal services in the District of Columbia was placed upon almost every paragraph of appropriation by the Bureau of the Budget. After very careful consideration of this matter, it was decided that these restrictions be removed, and that one limitation be carried at the end of each bureau, which limitation is the total of each of the restrictions for that particular bureau with an additional increase in those instances where the committee recommends an appropriation in excess of the Budget estimates. In this manner expenditures are restricted, but greater flexibility in administration is permitted.

BUREAU OF ANIMAL INDUSTRY

In explanation of the increases recommended for the eradication of tuberculosis in cattle, attention is called to the fact that State indemnity appropriations for 1924 amounted to $6,112,500, and in those States where the legislatures convene in January it is fair to assume that even larger sums will be appropriated for this purpose. To show the increasing progress being made in this work in 1918, 204 herds, with a total of 134,143 cattle, were tested. In 1924 48,273 herds, with a total of 5,312,364 cattle, were tested. Of the total number of 13,708,599 cattle tested during the years 1918 to 1924, inclusive, 471,166 reactors were found, or 3.4 per cent. The amount of the Federal appropriations marks the speed with which this work will be carried on, and to reduce this sum at this time would be to prolong the eradication work for a number of years. The committee did not feel that the Government should take a backward step in its work of the eradication of tuberculosis in cattle.

BUREAU OF DAIRYING

I wish to call attention to a new bureau, which is being appropriated for for the first time in this bill. The Bureau of Dairying was established by the act of May 29, 1924, and the work of the dairy division of the Bureau of Animal Industry was transferred to this bureau. Creamery investigations, animal genetics, the maintenance of the Beltsville Farm, dairy cattle breeding, and other problems and investigations relating to the dairying industry of the United States are carried on by this bureau. For proper administration of the Bureau of Dairying an increase of $10,000 over the Budget estimates was allowed by the committee.

BUREAU OF PLANT INDUSTRY

Increases in a number of items under the Bureau of Plant Industry were made by the committee, the largest being in the appropriation for the control of the white-pine blister rust, which it is recommended be used in the western United States. A small infestation of this disease has made its appearance in the State of Washington, and to prevent its spread into Idaho from this infestation and from the badly infested areas in Canada, but a short distance away, it is essential that sufficient funds be appropriated to cooperate with the States concerned in making a complete survey of the territory and in exterminating the host plants. The last great stands of western white-pine timber, valued at approximately $550,000,000, are in great danger from this disease.

FOREST SERVICE

An increase of $84,050 over the appropriation for the current fiscal year has been approved in the item for miscellaneous forest wages. Of this increase it is proposed that $30,000 shall be used for strengthening the fire-control organization. Of the total of 157,503,000 acres in the national forests 86,000,000 acres carry a high fire hazard, and the present organization is called upon to protect an immense amount of territory, each man having approximately 50,000 acres, or an area of 80 square miles, to cover. An additional $25,600 is to be used for the employment of scalers and timbermen to handle the increasing sales of timber, which it is estimated will increase by 40,000,000 board feet during the year. The receipts covered into the Treasury from sales of timber for the fiscal year 1924 amounted to $3,036,395. The remainder of the increase under this item—$28,450—is to provide for the administration of land purchased under the Weeks Act. Since 1918 the area of the national forests purchased under this act has increased from 1,638,000 acres to 2,335,000 acres, and it is estimated that an additional 150,000 acres will be acquired during the present fiscal year, and for the proper administration of this immense amount of territory five new ranger districts must be organized.

Mr. LAZARO. Will the gentleman yield for a question before he leaves the subject of forests and the amount of land and tell the House if he knows where this forest land was purchased in the United States?

Mr. MAGEE of New York. The gentleman means under the Weeks Act?

Mr. LAZARO. Yes, sir.

Mr. MAGEE of New York. Well, I think a very material amount of land was purchased in New Hampshire and in the Appalachian chain.

Mr. LAZARO. Well, is it the policy of the Government to continue to purchase in different sections of the country where suitable land can be found?

Mr. MAGEE of New York. Yes, sir; I think it is fair to presume that in carrying out this act an appropriation of about $1,000,000 will be made annually. We carry $1,000,000 for that purpose in this bill. The bill for the present fiscal year carries $800,000, and we put $1,000,000 in this bill.

Mr. LAZARO. Well, I hope that the Government will follow out this policy.

Mr. MAGEE of New York. The idea of appropriating about $1,000,000 a year, I will say to the distinguished gentleman from Louisiana, is that the organization created for that purpose should be kept intact, and it requires, I think, about $1,000,000 a year to carry on the provisions of this act effectively.

BUREAU OF ENTOMOLOGY

Particularly in Washington County, Me., the people are dependent upon two industries—the canning of sardines and the canning of blueberries. In some years the catch of sardines is negligible, and the inhabitants must rely upon the blueberrying industry for their livelihood. Recently a destructive fly has made its appearance in these blueberry fields, and now threatens the industry, which affords employment to some 5,700 people and has an annual output valued at approximately $2,000,000. To investigate and control this pest an increase of $10,000 has been made. A like increase has also been made for studies of the codling moth, or worm of the peach, which in the Southern States is causing a damage of from 25 to 30 per cent in the mid-season varieties of peaches.

Increased amounts are recommended for studies of the cotton fly and the Arizona boll weevil, which for several seasons have caused serious injury to the cotton crop of the States in the Cotton Belt. To cooperate with the Western States in the control of the western bark beetles, which annually cause a loss of 5,000,000,000 board feet of mature timber, the accompanying bill carries an increase of $10,000.

For the prevention of the spread of moths an increase of $150,000 over the Budget estimate has been approved by the committee, of which amount $100,000 shall be immediately available. This moth occurs in the New England States, and through cooperation with the States concerned has largely been confined to that area. However, to prevent its spread into the Adirondack and Catskill Mountains of New York, where control would be impossible, a barrier zone has been established in the western part of Vermont, Massachusetts, and Connecticut and the eastern section of New York. During the year 1923 the States contributed almost a million dollars for this purpose, and the increase recommended by your committee is to maintain this effective barrier until such time as natural parasites will be able to control this pest. Parasites have been introduced, and there is reason to believe that they will effectively control the moth infestation after sufficient numbers have been imported and acclimated.

Your committee also recommends that an increase of $160,000 over the appropriation available for the current year be made in the item for the control and prevention of the spread of the European corn borer, which already is causing serious loss along the shores of Lake Erie and is extending up into Michigan. In Canada, across from the State of Ohio, in the counties of Essex and Kent, the increase in the number of these insects

has been in the neighborhood of 4,000 per cent, and in some sections the borer has completely ruined the crop. The purpose of the increase is to maintain the strict quarantine already in effect and to develop, if possible, natural enemies of the insect before it reaches the great corn-producing States of the Middle West.

To control the spread and maintain the quarantine on the Japanese beetle now operating in Pennsylvania and New Jersey, the committee recommends an increase of $38,930 over the sum available for this purpose for the current year. This sum apparently is sufficient to prevent distant spread of the beetle, although the area is increasing each year, and until parasites are liberated in sufficient numbers to control the pest the quarantines will have to be enforced. In Japan where the insect occurs parasites are able to control it to such an extent that loss or damage therefrom is practically negligible.

BUREAU OF BIOLOGICAL SURVEY

A new paragraph of appropriation is recommended in this bill for the purpose of carrying out the act of June 7, 1924, establishing the Upper Mississippi River Wild Life and Fish Refuge. The purpose of the act is to prevent the drainage of areas vital to the maintenance of the fish, shellfish, and wildfowl life of the Mississippi Valley. The act authorized an appropriation of $1,500,000 for the purchase of lands along the river, and in the interest of economy, after careful consideration, the committee believes that $400,000 should be provided for this purpose, of which $100,000 should become immediately available for the purchase of lands and $25,000 immediately available for administrative expenses. It is also provided in the paragraph that the Secretary of Agriculture may enter into contractual obligations on the part of the Government for the remainder of the sum authorized to be appropriated. It is contemplated that the purchase of land shall begin somewhere between the States of Missouri and Illinois and extend up the river some three or four hundred miles.

Mr. DOWELL. Will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. DOWELL. How much has been expended of the amount that was authorized to be used last year? Has any yet been made available and used for that purpose, or is this the first appropriation?

Mr. MAGEE of New York. The act approved June 7, 1924, gave the authorization, and this is the first appropriation.

Mr. DOWELL. Can the gentleman tell the committee how much land it is contemplated to be purchased by this appropriation, and whether or not it is to be purchased or leased as provided under the general act?

Mr. MAGEE of New York. I can not tell the gentleman as to that. Those who are responsible for carrying out the act will have to determine that. It is also provided in the paragraph, I will say to the gentleman from Iowa, that the Secretary of Agriculture may enter into contractual obligations on the part of the Government for the remainder of the sum authorized to be appropriated.

MISCELLANEOUS FORESTRY ITEMS

For carrying out the provisions of the Clarke-McNary Act of June 7, 1924, an increase over the amount available for the current year is recommended in the appropriation for forest-fire cooperation. For the cooperative distribution of forest planting stock and cooperative farm forestry, appropriations of $50,000 each are recommended. Failure to provide these funds would withhold from the owners of millions of acres of idle farm lands any Federal recognition, encouragement, and support in the reforestation of those lands, the effects of which would be particularly unfortunate in the States which now receive only indirect benefits from regular Forest Service appropriations.

FOREST ROADS AND TRAILS

For the cooperative construction of forest roads and trails Congress authorized appropriations aggregating $13,000,000 in the Post Office appropriation act for 1923. Since that time appropriations amounting to $9,000,000 have been made, and the estimate submitted in the Budget for the ensuing fiscal year was $3,750,000. The committee was at a loss to understand why the remaining $250,000 authorized for this work was not included in the estimate, and after carefully considering the matter decided that it would be best to wipe out all obligations authorized under the Post Office appropriation act, and consequently recommend in the bill an appropriation of $4,000,000 for these purposes. Two statements showing the miles of roads and trails constructed in the various States, together with expenditures therefor, will be found on pages 624 and 625 of the hearings.

FEDERAL-AID HIGHWAY SYSTEM

For the cooperative construction of rural post roads Congress has authorized appropriations aggregating $540,000,000, of which there has been appropriated to date a total of $417,300,000. The remaining sum of $122,700,000 is to be appropriated for during the fiscal years 1926 and 1927 as contractual obligations on the part of the Federal Government mature. Some misapprehension apparently has arisen in reference to the amount available for the cooperative construction of roads under the Federal-aid highway system. My attention has been called to statements "that the amount of money which Congress proposes to appropriate in order to hasten and stimulate road building by the States is about $80,000,000, which is more than twice the amount Congress appropriated for this purpose last year." Such statements give an erroneous impression. The first thing to ascertain in arriving at the amount to be made available for any given purpose for the coming fiscal year is the estimated amount of unexpended balances which may be available and continued for that purpose. The estimated Federal-aid road balances available during this fiscal year amounted to approximately $81,000,000. The Congress appropriated directly $13,000,000 more, making a total available for the year 1925 of $94,000,000, which amount is approximately $14,000,000 in excess of the amount made available in the pending bill. It is estimated that expenditures for the current fiscal year will aggregate approximately $90,000,000, which would leave available for expenditure during 1926 a balance of $4,000,000 plus the appropriation carried in this bill of $76,000,000, or a total of $80,000,000. I wish to call attention, however, to the fact that only once since 1917 have the expenditures greatly exceeded $80,000,000, and it would be difficult for the Bureau of Public Roads to estimate the exact amount necessary. A year ago it was estimated such expenditures for the fiscal year 1924 would amount to $85,000,000, but there was actually expended a little over $80,000,000. I do not believe that the expenditures for the year 1925 will amount to $90,000,000, and in that event there will be a much larger balance available for expenditure in 1926.

Mr. DOWELL. Will the gentleman yield?

Mr. MAGEE of New York. In a moment. I think, perhaps, I may anticipate the gentleman's question. If not, then I will yield.

There is pending in the Senate the Dowell bill authorizing appropriations of $75,000,000 per annum for two years, beginning July 1, 1925. Until that bill has become a law it is reasonable to believe that road building will not progress as rapidly as heretofore, again reducing actual expenditures. However, assuming that the expenditures for 1925 will aggregate $90,000,000, leaving a balance of $4,000,000, this latter sum, together with the recommended appropriation, will give the Bureau of Public Roads $80,000,000 for the fiscal year 1926. This sum exceeds by $5,000,000 the authorizations for any one year now carried in the Dowell bill, and I am inclined to believe that it is the intention of Congress that expenditures for road building should be near the authorization of $75,000,000 per annum. It appears to me that the appropriations already made or authorized, aggregating $540,000,000, have given liberal encouragement and aid to the States in the construction of the Federal-aid highway system, and that Congress should be looking forward to the day when these enormous appropriations and expenditures can be materially reduced. The status of the cooperative road funds, miles of road constructed, allotments to the States, and so forth, will be found in detail on pages 453 to 467, inclusive, of the hearings.

Now, I yield to the gentleman.

Mr. DOWELL. Now, may I inquire if the $4,000,000 referred to by the gentleman from New York includes all of the surplus that is now in the Treasury or in the authorizations of former years?

Mr. MAGEE of New York. No. I understand there will remain $46,700,000 to be appropriated.

Mr. DOWELL. Then where does this $4,000,000 come from that is now in reserve?

Mr. MAGEE of New York. It is the estimated balance of the amount available at the close of the present fiscal year.

Mr. DOWELL. Then, one other question. Under the present system of appropriations, the amount drawn from the appropriation is from the amounts actually used in the various States? I understand that there are a number of States that have not kept up with the actual program and that there will be due to those States, out of the surplus, moneys that have already been appropriated?

Mr. MAGEE of New York. Yes. That is set out in the hearings.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. LAZARO. Does the gentleman know of any States that have met the requirements of the bureau here and have failed to get the funds?

Mr. MAGEE of New York. I do not; but I am only speaking of my own knowledge. All these facts are set out in detail in the statements contained in the hearings.

Mr. LAZARO. Is it the judgment of the head of the Bureau of Public Roads that this amount will be sufficient to meet the requirements of the next fiscal year?

Mr. MAGEE of New York. Well, I can not tell you what his information is. I can only give you my own judgment, based on such information as I have.

Mr. LAZARO. Has he appeared before the subcommittee?

Mr. MAGEE of New York. He appeared before the committee, and he made his estimate, as I recall, of something like $84,000,000. That is an estimate.

Mr. LAZARO. Of course; but the estimate is larger than the amount the bill provided.

Mr. MAGEE of New York. His estimate for 1924 was $85,000,000, and he expended about $80,000,000. My idea is that the improvements in road building in the way of effecting economies are coming so rapidly that no man can reasonably state what amount may be needed for road construction in 1926.

Mr. LAZARO. At the same time the gentleman will admit that there ought to be a safe margin?

Mr. MAGEE of New York. I think that we have a sufficient appropriation for the purpose.

That finishes my general statement on the bill. During the debate under the five-minute rule I shall be glad to attempt to answer any question the Members may desire to ask.

Now, apart from agriculture, I want to take this opportunity to say a word in favor of the bill H. R. 5097, a bill to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; and in this connection I ask the Clerk to read in my time a short editorial which appeared in the Washington Post of yesterday.

The Clerk read as follows:

ARMY OFFICERS' PAY

In the list of 586 retired officers of the Army, who were on active duty during the World War, will be found the names of 150 colonels. All of these, except one, were discriminated against by the restrictive clause in section 1 of the pay act of June 10, 1922.

These officers came back to active duty during the emergency, because their services were needed, and they cheerfully gave their best to the Government. Many had passed their three score and ten years, and the extra tax on their failing health doubtless cut short the lives of a number of them.

Since the date of the passage of the pay act, 38 of these colonels have died and over 100 of all ranks in the Army and Navy adversely affected by the discrimination have passed away.

Why should there be two pay schedules? Why should veterans be denied 20 per cent of the monthly pay the Government promised them for their support in their old age, while younger officers of less rank and service receive full compensation? Can any one claim that officers of equal rank and service and equal merit should be treated differently, because one class retired before and the other after June 30, 1922?

The unreasonable and drastic effects of this discriminating clause in the pay act could not have been realized at the time of its passage, or it never would have found a place in the law.

Many Members of Congress have expressed a desire to correct this matter in the interests of justice and fair play. A bill for the repeal of this discriminating clause was favorably reported by the Military Committee during the last session of Congress and is now on the calendar ready for passage. It should be pushed through without delay.

Mr. MAGEE of New York. The report accompanying the bill submitted to the House by the distinguished gentleman from Iowa [Mr. HULL] mentions the restrictive clause in the pay bill affecting these officers, to wit:

Nothing contained in the first sentence of section 17 or in any other section of this act shall authorize an increase in the pay of officers or warrant officers on the retired list on June 30, 1922.

The report further states:

This limitation, while granting the benefits of the new pay legislation to all officers who retire after July 1, 1922, deprives all officers retired prior to that date of said benefits, thereby violating the basic law under which these officers gained their retirement rights.

RETIRED OFFICERS INJURED BY THIS LIMITATION

1. There are approximately 800 retired officers of the Army, 400 of the Navy, 150 of the Marine Corps, and 50 of the Coast Guard who are injured by this limitation. These officers, for the most part, are officers of long service, who have retired on account of disability in line of duty or after having reached the age limit. In the Army alone the list includes 34 veterans of the Civil War, 254 who served as volunteers in the Spanish-American War, while most of the remainder served in the war with Spain, the Philippine insurrection, and the World War. Seventy-two held commissions as general officers in the World War, 18 hold the congressional medal of honor, 13 the distinguished-service cross, and 51 the distinguished-service medal.

2. The discrimination against these officers in many instances amounts to as much as 20 per cent of their retired pay. For example, a colonel of 30 years' service, retired prior to July 1, 1922, draws $62.60 per month less pay than a colonel of the same length of service retired after July 1, 1922, $46.87 less monthly pay than a lieutenant colonel, and even $15.62 less than a major of the same length of service retired after July 1, 1922.

I want to say to the Members of the House that I am glad to speak a word in behalf of these officers. If you ask for their monuments, I point you to their gallant records, their deeds of valor on the field of battle, every mother's son of them willing at any time, if needs be, to make the supreme sacrifice for his country.

I hope that this bill for their relief will be promptly considered and passed.

Mr. BLANTON. Mr. Chairman, will the gentleman from New York yield for a question?

Mr. MAGEE of New York. Yes.

Mr. BLANTON. What does the gentleman think of a retired captain who has been going from our offices in the House Office Building, from one to another, for the last two weeks urging the passage of a bill increasing his retirement pay, where the facts disclose that he is an able-bodied man now 60 years of age engaged in a lucrative business here in the District of Columbia—the insurance business—and he has been drawing $312 a month for 10 years?

Mr. MAGEE of New York. I did not yield for a speech from the gentleman.

Mr. BLANTON. I am asking the gentleman that question. What does he think of a case like that? Does the gentleman favor that bill?

Mr. MAGEE of New York. These officers in their advancing years and their dependents have been knocking at the doors of Congress for a simple act of justice. [Applause.]

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. WILLIAMSON. On looking through the Agricultural bill I can not find that any provision has been made for the destruction of predatory animals. Has that been covered?

Mr. MAGEE of New York. Oh, yes.

The CHAIRMAN. The gentleman from New York has used 45 minutes.

Mr. BUCHANAN. Mr. Chairman, I yield one minute to the gentleman from Oklahoma [Mr. HOWARD].

Mr. HOWARD of Oklahoma. Mr. Chairman, an investigation of Indian affairs is being conducted in Oklahoma. I rise not to discuss the pending bill but matters pertaining to this investigation, and I ask unanimous consent to extend my remarks in the RECORD upon that subject.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD of Oklahoma. Mr. Chairman, in my mail this morning I find the following letter and affidavit from the Hon. Hugh L. Murphy, former county judge of Okmulgee County, Okla., which, I believe, in view of the investigation now under way by order of this House, contains information on the subject which should be in possession of the Members of the House and the people of the United States, and for that reason I submit them without comment at this time:

OKMULGEE, OKLA., *December 5, 1924.*

Hon. E. B. HOWARD, M. C.,
Washington, D. C.

DEAR MR. HOWARD: Noticing from the inclosed clipping appearing in the Okmulgee Democrat of the 5th, that you are not disinclined to attack the Indian Bureau when it needs attacking, and thinking you might be interested in knowing some facts as to the administration, or maladministration as the case may be, of certain large Indian estates in Oklahoma by the present officials of the Indian Bu-

reau, I am forwarding you under separate cover a statement of facts amounting to charges of maladministration against Commissioner of Indian Affairs, Mr. Charles H. Burke, in the administering of certain Indian estates, members of the Creek Tribe of Indians. The original of this sworn statement, with documentary evidence attached, has been filed with the Hon. HOMER P. SNYDER, chairman of the subcommittee investigating Indian affairs in Oklahoma, and a copy filed with the honorable Attorney General. I am handing you herewith copies of my letters to Mr. SNYDER and the Attorney General transmitting statement to them as these letters state the purpose for which I filed the statement. I have also furnished Hon. TOM D. MCKEOWN with a copy of this statement. I trust that you will take the time to read this statement as it contains information which I feel the Congress should have, particularly in view of the fact that the Indian Bureau is attempting to have Congress pass a bill placing all Indian estates under the exclusive jurisdiction of the Indian Bureau.

Yours very truly, HUGH MURPHY,
Former County Judge, Okmulgee County.

INDIAN AFFAIRS IN OKLAHOMA—A DOCUMENTARY RECITAL OF CONTINUED OUTRAGE, SUBMITTED UNDER ADVICE OF SUBCOMMITTEE ON INDIAN AFFAIRS, INVESTIGATING INDIAN AFFAIRS IN OKLAHOMA PURSUANT TO ACT OF CONGRESS

SYNOPSIS

1. That the commissioner permitted M. L. Mott to settle the Saber Jackson case for $50,000, which sum was $250,000 less than he disapproved a settlement submitted by the attorneys for Saber Jackson, involving the same litigation, thereby causing a loss of $250,000 to Saber Jackson's estate.

2. That the $50,000 settlement was $700,000 less than the commissioner, by his own admissions, was "convinced" Saber Jackson was entitled to receive; yet, in the face of this fact, he permitted M. L. Mott to settle the case for $50,000.

3. That he authorized settlement of the Martha Jackson case for $308,000, which was approximately $50,000 less than the attorneys for the guardian of Martha Jackson submitted a settlement for of the same litigation, which the commissioner disapproved.

4. That he authorized payment to the guardian and attorneys who appeared against Martha Jackson in the litigation in an effort to prevent the recovery of her just share of the Thlocco estate the sum of $70,000 as fees.

5. That he authorized settlement of the Martha Jackson litigation for approximately $430,000 less than by his own admissions he was "convinced" Martha Jackson should receive.

6. That his administrative acts have resulted in a scheme whereby it is proposed that approximately $250,000 of the "restricted" funds of Martha Jackson now in the hands of the Interior Department are to be turned over to the jurisdiction of the probate court of Okfuskee County, the attorneys procuring the transfer of said restricted funds to be paid 10 per cent of the estate.

7. That in violation of law he consented to, aided, assisted in, and authorized the diverting from the estate of Jackson Barnett, a full blood, incompetent Indian, the sum of over $1,000,000.

8. That the loss, diversion, or dissipation in the administering of these three estates is far in excess of the total cost of administering all Indian estates by the probate courts of Oklahoma since Statehood (1908) regardless of the statements and compiled figures of the Indian Department to the contrary.

OKMULGEE, OKLA., *November 27, 1924.*

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
Washington, D. C.

DEAR SIR: Taking advantage of the privilege extended me by you as chairman of the Subcommittee on Indian Affairs sitting at Muskogee, Okla., on November 14, 1924, by authority of H. Res. No. 348 of the Sixty-eighth Congress, dated June 4, 1924, the purview of which your committee informed me contemplated no exclusion of persons in authority over restricted Indians, and that there may be no misunderstanding or alleged prejudicial construction of said resolution, the same is here quoted in full:

House Resolution 348
IN THE HOUSE OF REPRESENTATIVES,
June —, 1924.

Mr. CARTER submitted the following resolution, which was agreed to.

Resolution

Resolved, That the Committee on Indian Affairs of the House of Representatives of the Sixty-eighth Congress, or a subcommittee thereof consisting of not less than five Members, is hereby empowered and directed to inquire into and investigate the situation with reference to the administration of Indian Affairs in Oklahoma among the Five Civilized Tribes, the Osages, the Quapaws, or any other Indians in Oklahoma.

The said committee or the subcommittee is hereby empowered to sit and act at any place; to require the attendance of witnesses and production of papers by subpœna to be signed by the chairman of said committee or subcommittee. The chairman of said committee or any member thereof is hereby empowered to administer oaths. Said committee or subcommittee is empowered to take testimony under oath and in writing to obtain documents, papers, and other information necessary to the investigation; to employ a stenographer to take and make a record of all evidence received by the committee and to keep a record of these proceedings.

All hearings by said committee shall be open to the public. The committee shall report to this Congress all evidence taken and their findings and conclusions thereon at the earliest possible date, and its report may, in the discretion of the committee, be filed with the Clerk of the House during the recess of Congress.

The expenses of said inquiry, not in excess of $5,000, shall be paid out of the contingent fund of the House upon vouchers approved by the chairman of said committee."

I am, therefore, submitting herewith a statement of facts amounting to charges of maladminstration against Mr. Charles H. Burke, Commissioner of Indian Affairs, in the conduct of certain large Indian estates of members of the Five Civilized Tribes. As I understand the resolution and the statement of your committee as to its purport, it is broad enough to cover the acts of the Indian Department as well as the acts of the courts of Oklahoma in administering Indian estates, and inasmuch as your committee saw fit to limit its inquiry "solely to the acts of the courts of Oklahoma committed within the past two years," and that Congress may have an opportunity, when the report of your committee is before it, to make a fair comparison between the administration of Indian estates by the courts of Oklahoma and the Indian Department, headed by Mr. Burke; and particularly in view of the fact that your committee gave the courts of Oklahoma a "clean bill of health," I am confining this statement solely to the acts of the Indian Department and Mr. Burke in these matters.

The particular cases I desire to present for the consideration of your committee and the Congress are those of Martha Jackson, Saber Jackson, Jackson Barnett, all full-blood Creek Indians, and Richmond Bruner, a restricted Creek Indian. I shall discuss these cases in the order given and attach such record testimony for the information of your committee and the Congress as I deem will be helpful in arriving at a proper conclusion of these matters.

THE MARTHA AND SABER JACKSON CASES

Martha Jackson was the sole heir of Barney Thlocco, deceased, a full-blood Creek Indian, who died leaving valuable oil lands in Creek County, Okla. Saber Jackson, the father of Martha—and whose interest I will discuss jointly with Martha's—also inherited a life estate in the allotment of Thlocco. Martha Jackson and Saber Jackson each leased the allotment of Thlocco to the Black Panther Oil & Gas Co., each lease containing a covenant to pay both Martha and Saber Jackson a full one-eighth royalty each, in consideration for which two leases the Black Panther Oil & Gas Co. agreed to "litigate all claimants to the Thlocco allotment at their own expense and place title in Martha and Saber Jackson free of cost to them." Both of these leases and contracts to place title in the Jacksons were submitted to the Interior Department for approval, and were approved by the Secretary of the Interior.

Instead of placing title to this allotment in Martha and Saber Jackson as it had agreed to do, "free of cost," and pay a one-fourth royalty to the Jacksons, the Black Panther Oil & Gas Co., its agents and officers, after the land became very valuable for oil and gas, caused the allotment to be sold by the guardian of Martha (who up to about that time was a director in the Black Panther Co.) to James Brazell, president of the Panther Co., for the sum of $12,000 cash and $12,000 to be paid under certain contingencies. The Indian department, headed by Hon. Cato Sells, considered this price too low and authorized a settlement for about $111,000, but also authorized the Panther people to "buy the interest of Saber Jackson," which it did for the sum of $10,000 cash and $10,000 to be paid under certain contingencies. At this time the interest of Martha and Saber Jackson was worth more than a half million dollars in royalty due under the two leases above referred to, and the deeds taken from these Indians not only conveyed the land and all future royalties but also all "accumulated royalties then in the hands of the Federal court," amounting to approximately a half million dollars.

The probate court of Okfuskee County appointed a new guardian for Martha Jackson, and also appointed a guardian for Saber Jackson (the same party acting as guardian for both Martha and Saber Jackson), and this guardian employed George M. Swift, a lawyer of Okmulgee, Okla., to bring suit to cancel the deed from Martha Jackson's former guardian, the approval of her sale by the Indian Department, and also to bring suit to cancel all deeds given by Saber Jackson.

These suits were bitterly contested for several years, and finally, on the 28th day of February, 1921, Mr. Swift entered into a stipulation of settlement of both the Martha and Saber Jackson litiga-

tion (subject to the approval of the Secretary of the Interior), by the terms of which stipulations Martha Jackson was to be paid approximately $370,000 and Saber Jackson $300,000, making a total of $670,000. A copy of the Martha Jackson stipulation is hereto attached, marked "Exhibit 1," and a copy of the Saber Jackson stipulation is hereto attached, marked "Exhibit 2."

These stipulations were submitted to Mr. Charles H. Burke, Commissioner of Indian Affairs, for his approval or disapproval, on May 6, 1921. On June 17, 1921, Mr. Burke notified Mr. Swift that the stipulations for settlement had been disapproved on the ground that the "terms were not satisfactory," and on August 5, 1921, Mr. E. B. Meritt, assistant commissioner, directed Mr. Swift to file the order of disapproval in the United States Circuit Court of Appeals, together with his letter transmitting same, so that the court might proceed to decide the cases on their merits. A copy of the order of disapproval, signed by Charles H. Burke and approved by F. M. Goodwin, Assistant Secretary, dated June 17, 1921, is hereto attached as Exhibit 3, and a copy of the letter from Mr. Meritt, assistant commissioner, directing Mr. Swift to file said order in Circuit Court of Appeals, is hereto attached as Exhibit 4.

Shortly after this order of Commissioner Burke and Assistant Secretary Goodwin, disapproving stipulations, was signed, C. Guy Cutlip, attorney for R. W. Parmenter, claiming to be the guardian of Martha Jackson, and McKinney, guardian of Saber Jackson, attempted to dismiss the appeals for these Indians then pending in the United States Circuit Court of Appeals. Had this been done, Martha Jackson would have received only about $111,000, and Saber Jackson $20,000, less $14,000 already paid him for the Thlocco allotment, and all accumulated royalties.

When this attempt was made to dismiss these appeals, Mr. Swift had one of his associate counsel communicate with Commissioner of Indian Affairs, Mr. Burke, in an effort to have him intervene in these cases in the name of the Government to prevent the dismissals, but Mr. Burke declined to do so. A copy of telegram from J. F. McMurray to Chas. H. Burke, dated September 8, 1921, asking Mr. Burke to intervene to prevent the dismissals of these cases is hereto attached as Exhibit 5. However, Mr. Swift and associate counsel opposed such dismissals, prevented same, and continued to fight for Martha and Saber Jackson in the United States Circuit Court of Appeals, but, while these appeals were still pending with the knowledge and by the direction of the Indian Department as contained in letter from Assistant Commissioner Meritt (Exhibit 4), and on August 23, 1922, W. E. McKinney, guardian of Saber Jackson, entered into a stipulation of settlement of the Saber case (without the knowledge or consent of Mr. Swift) for the sum of $50,000, a sum $250,000 less than Swift had settled the same case for, which settlement the Commissioner disapproved. A copy of said stipulation is hereto attached as Exhibit 6.

On August 28, 1922, M. L. Mott, a close friend of Commissioner Burke, submitted this $50,000 stipulation of settlement to Commissioner Burke, and in his letter to the commissioner Mr. Mott says:

> * * * "the stipulation is submitted for the purpose of securing an expression from the Interior Department with reference to it, either by way of approval or by indicating that the proposed settlement is not objectionable."

I may state here that I have been informed that at or about the time this letter was written by Mott to Mr. Burke, Mott advised the Black Panther Oil & Gas Co. that he could "arrange a settlement of the Saber case for $50,000 in such a way there would be no objection raised by the Interior Department." But, be this as it may, on August 31, 1922, Mr. Burke replied to the letter from Mott dated August 28, in which he says:

> "As the department is not a party to the proceedings referred to in the stipulation or agreement, and as the funds that are to be paid into the court for Saber Jackson as provided therein will not be restricted funds but will be paid to the guardian of Saber Jackson appointed by the county court of Okfuskee County, Okla., and as said guardian is entirely under the jurisdiction of said court, the Interior Department is in no way interested in the proposed settlement and therefore declines to approve or express any opinion concerning the same."

A copy of letter from Commissioner Burke to M. L. Mott, dated August 31, is hereto attached as Exhibit 7.

It will be noted that the commissioner says in his letter, "The funds to be paid to Saber Jackson are 'unrestricted funds.'" In this connection it is worthy of note that when Mr. Swift submitted his stipulation of settlement of $300,000 the commissioner contended that all of the funds of Saber Jackson were "restricted funds" and required Mr. Swift to sign a stipulation that $95,280 of the $300,000 was restricted funds and should be paid to the department, the question of whether or not the balance of the $300,000 was restricted funds to be left to the proper courts to decide. A copy of said stipulation is hereto attached as Exhibit 8, together with copy of letter from Swift to Commissioner Burke, dated Washington, D. C., May 18, 1921, transmitting same.

When the stipulation of McKinney, guardian, with the Panther Co., for $50,000, above referred to, was filed in circuit court of appeals Mr. Swift opposed same and on September 6, 1922, had one of his associate counsel, Mr. Owen C. Becker, of Oneonta, N. Y., appeal to Commissioner Burke to aid in preventing the McKinney-Mott settlement from being made and the appeal dismissed. On September 11, 1922, Mr. Burke wrote Mr. Becker declining to intervene in the case or interfere with the McKinney-Mott $50,000 settlement, giving practically the same reasons as he had previously given M. L. Mott. A copy of the letter from Commissioner Burke to Mr. Becker, dated September 11, 1922, is hereto attached as Exhibit 9.

Not being satisfied with this refusal by the commissioner to assist in protecting the interest of Saber Jackson, Mr. Swift again had Mr. Becker call upon Commissioner Burke to aid in preventing this robbery of Saber Jackson, and on October 2, 1923, Commissioner Burke wrote Mr. Becker again declining to lend his assistance, this time giving as his reason that:

> "So far, the Government has in no way injected itself into any of the litigation in which Saber Jackson is interested. When the proceedings that are pending, to which he is a party, are finally disposed of, if we conclude that Saber Jackson has not received what he is entitled to, we will then take such action as the circumstances warrant, looking toward seeing that his interests are fully protected."

A copy of the letter from Commissioner Burke to Mr. Becker, dated October 2, 1922, is hereto attached as Exhibit 10.

More than two years have elapsed since that letter was written; the litigation was settled as per terms of the $50,000 stipulation, and the case dismissed; the money was paid to McKinney, guardian of Saber Jackson, and in less than five months all of it was dissipated, and Saber Jackson is now penniless; and yet Commissioner Burke has taken no steps, as stated in his letter to Mr. Becker would be taken, "looking toward seeing that his interests are fully protected."

I now come to the close and the most damnable part of the whole Saber Jackson transaction. It will be recalled that Mr. Swift submitted a stipulation of settlement of this case in the sum of $300,000, which the commissioner declined to approve on the ground that "the terms were not satisfactory"; in other words, the amount was not sufficient for Saber Jackson's interest; that later the commissioner permitted his friend, M. L. Mott, to settle the same case for $50,000, which was $250,000 less than Swift offered. That the commissioner was satisfied that the sum of $300,000 was not sufficient for the interest of Saber Jackson in the Thlocco allotment is fully set out in a letter from Commissioner Burke to his friend, M. L. Mott, dated January 18, 1923, in which the commissioner says:

> "MY DEAR MR. MOTT:
>
> "In response to your inquiry as to the facts with reference to a certain stipulation having been disapproved in the matter of certain litigation in the Circuit Court of Appeals for the Eighth Circuit, in which the Black Panther Oil & Gas Co., Martha Jackson, and Saber Jackson were parties, by which there was to be paid to Martha and Saber Jackson $308,000 and $300,000, respectively, will say that I was called upon by Mr. J. F. McMurray, an attorney at law residing at McAlester, Okla., and he stated that he had been retained by the administrator or guardian of Saber Jackson and Martha Jackson, and that he was associated with George M. Swift, who had been representing the parties, or at least Saber Jackson, from the beginning of the litigation; that he, McMurray, was of the opinion that the stipulation which had been entered into by the parties to the litigation and which had been submitted to the department for approval ought not to be approved, because he believed that the said Saber Jackson and Martha Jackson were entitled to all of the accumulated royalties, then amounting to something more than a million and a half dollars. He made a plausible argument and one that caused me to go to the First Assistant Secretary of the Interior, and who, I believe, was Acting Secretary at the time, and call his attention to the question presented by Mr. McMurray.
>
> "As a result of my conference with the Acting Secretary, he either disapproved or withheld his approval to the stipulation." * * *

A copy of the letter from Commissioner Burke to M. L. Mott, dated January 18, 1923, is hereto attached as Exhibit 11.

Commissioner Burke says in his letter that McMurray made a plausible argument and one that caused me to go to the First Assistant Secretary of the Interior and call his attention to the questions presented by McMurray; as a result of my conference with the Acting Secretary he either disapproved or withheld his approval to the stipulation. The commisioner was "convinced" that Martha and Saber Jackson, full-blood Creek incompetent Indians, wards of the Government, were entitled to a million and a half dollars for their interest in the Thlocco allotment, but after being so convinced he permitted his friend M. L. Mott to settle the Saber Jackson case for $50,000, which is $250,000 less than the Swift stipulation which he disapproved because the amount was not sufficient, and $700,000 less than the commissioner was "convinced" Saber Jackson was entitled

to when he disapproved the Swift stipulation, as Saber Jackson was the owner of one-half of the million and a half referred to. (See letter from commissioner to Mott, Exhibit 11.)

The truth of the matter is, that both the Martha and Saber Jackson stipulations submitted by Mr. Swift, giving these Indians approximately $670,000, and not $608,00, as the commissioner states, were recommended for approval by Commissioner Burke, and were actually approved by the First Assistant, or Acting Secretary, but as a result of the conference the commissioner refers to in his letter to Mr. Mott of January 18, 1923, the stipulations were sent back to the Commissioner of Indian Affairs and the letter of June 17, 1921, from Mr. Charles H. Burke, approved by F. M. Goodwin, Assistant Secretary, to George M. Swift (Exhibit 3), stating that said stipulation had been disapproved, was mailed out in lieu of the approved stipulations.

In Commissioner Burke's letter to Mr. Owen C. Becker, dated October 2, 1922 (Exhibit 10), he says:

> "So far the Government has in no way injected itself into any of the litigation in which Saber Jackson is interested" * * *

In this statement the commissioner has either forgotten the record or misstated it, for the Government did intervene in the litigation over the Barney Thlocco allotment, both on behalf of Martha and Saber Jackson, and the commissioner was advised of this fact on September 8, 1921, by Mr. J. F. McMurray in his telegram to Commissioner Burke (Exhibit 5), which reads as follows:

> MCALESTER, OKLA., *September 8, 1921.*
>
> CHARLES H. BURKE,
>
> *Commissioner of Indian Affairs, Washington, D. C.:*
>
> McKinney, guardian of Martha and Saber Jackson, has given Swift notice that he has been dismissed as his attorney in United States Circuit Court of Appeals. McKinney now has filed motion in said court to dismiss the appeals of Martha and Saber Jackson. Both moves at the suggestion and in the interest of Black Panther Oil & Gas Co. I think the interest of Martha and Saber Jackson greatly jeopardized. The Government intervened in these suits in the lower court when McKinney threatened to take similar action there but did not join in the appeals. Allow me to suggest the wisdom of the department intervening in these suits in the court of appeals, so that the Government can see that no radical moves are made that will destroy the property rights of these Indians without notice to the Government. If you or the Secretary of the Interior desire, I will come to Washington immediately for conference.
>
> J. F. MCMURRAY.

This telegram was sent at the request of Mr. Swift in an effort to protect these Indians. The records in these cases in the Interior Department also show that the Government had intervened in these cases, and the commissioner is or should be familiar with the record. The facts are that Mr. Swift, in order to fully protect Martha and Saber Jackson, requested Secretary of the Interior John Barton Payne to intervene in these cases and, at the request of Secretary Payne, the Attorney General directed the United States attorney at Muskogee, Okla., to intervene, and on June 4, 1920, Mr. Archibald Bond, United States attorney for the eastern district of Oklahoma, filed his intervention on behalf of Martha and Saber Jackson, a copy of which is hereto attached as Exhibit 12. However, when Secretary Payne went out of office no further steps were taken by the Government to protect the interest of these Indians, although the intervention of the Government is still pending in the United States court at Muskogee.

Mr. Swift also requested Attorney General Daugherty to intervene in the litigation on behalf of Martha and Saber Jackson, furnishing a complete history of the litigation, but he was advised by the Attorney General's office that "no steps could be taken unless requested by the Interior Department," and that upon inquiry at the Interior Department the Department of Justice was advised that "The Jackson litigation was a closed incident," and the report and record evidence was returned by the Department of Justice to Mr. Swift and is now in his possession.

THE MARTHA JACKSON CASE

As has been stated in discussing the Saber Jackson case, Martha Jackson's case was settled by the Indian Department for $308,000, plus $12,000 paid her guardian, Parmenter, when she was a minor, whereas the stipulation of settlement presented by Mr. Swift and disapproved by Commissioner Burke would have given her approximately $370,000 (Exhibit A), less the $12,000 paid to her guardian, Parmenter, the actual amount she was to receive under the Swift stipulation being "the one-eighth royalty in the hands of the Federal receiver up to the date of the deed by her guardian, Parmenter, to the Black Panther interests," which would have amounted to approximately $370,000, a small difference of approximately $50,000.

In addition to this $50,000, Commissioner Burke admitted to Secretary of the Interior Hubert Work, on March 24, 1924, that he had paid to R. C. Allen and C. Guy Cutlip, claiming to represent R. W. Parmenter, who claimed to be the guardian of Martha Jackson, as an incompetent, the sum of $55,000, attorneys' fees, and had also paid Parmenter $15,000 as guardian fees, after Mr. Swift and his associate counsel had shown the Secretary that Allen, Cutlip, and Parmenter had all appeared both in the State and Federal courts and before the Indian Department in an effort to prevent Martha Jackson from receiving one dollar over and above what had been decreed her by the Fededal court, to wit, $111,000. So that in administering this estate the Commissioner of Indian Affairs settled the case for $50,000 less than Swift's stipulation called for, and then paid the attorneys and guardians who appeared against and fought the interest of Martha Jackson the sum of $70,000, making a total of $120,000 actual loss to Martha Jackson, and in addition to this amount, according to the letter from Commissioner Burke to M. L. Mott (Exhibit 11), the commissioner settled the Martha Jackson case for $442,000 less than he was "convinced" she should receive, the commissioner in his letter to Mott stating that he was convinced "Martha and Saber were entitled to $1,500,000," and for that reason he disapproved the Swift stipulation. So that, according to the commissioner's own statement, he settled the Martha Jackson case for $442,000 less than he was convinced she should receive, and then paid the lawyers and guardian who opposed her recovering her just share of the estate $70,000, which is over 62 per cent of the $111,000 for which they sold her estate. No court in Oklahoma has ever allowed such an exorbitant fee in any Indian case.

To substantiate the charge that R. W. Parmenter, claiming to be the guardian of Martha Jackson, as an incompetent, and his attorney, C. Guy Cutlip, did everything in their power to prevent Martha Jackson from receiving her just share of the Thlocco estate, there is attached hereto, as Exhibit 13, copy of "Motion to dismiss by appellant" (which is a motion by Parmenter to dismiss the appeal of Martha Jackson taken by W. E. McKinney, the legal guardian of Martha, as an incompetent, filed in the United States Circuit Court of Appeals at Denver, Colo., just three months after Commissioner Burke had disapproved the Swift stipulation). Had this motion been granted, Martha would have received only $111,000, instead of the $308,000 she was finally paid. The Commissioner of Indian Affairs was requested to intervene to prevent this dismissal, but did not do so, and it was opposed by Mr. Swift and his associate counsel, and the dismissal prevented.

When the motion to intervene in the United States Court for the Eastern District of Oklahoma by W. E. McKinney, guardian of Martha, to cancel the deed given by Parmenter while acting as guardian of Martha Jackson, as a minor, and to prevent the settlement of her claim for $111,000 (which had been approved by the Indian Department), Mr. Swift and his associate counsel were opposed by C. Guy Cutlip and R. C. Allen, representing Parmenter, joining in with the attorneys for the Black Panther Oil & Gas Co. The motion by McKinney, guardian, to intervene, was argued to Hon. Frank A. Youmans, sitting as judge of the United States Court for the Eastern District of Oklahoma, the motion being opposed by attorneys for the Black Panther Oil & Gas Co., and by R. C. Allen, representing Parmenter, who claimed to be the guardian of Martha. The motion was denied, and Swift and associates appealed to the Circuit Court of Appeals. When the Black Panther Co. filed its brief in the United States Circuit Court of Appeals, R. C. Allen, "Attorney for Parmenter," joined with them, in an effort to have the appeal dismissed. A copy of this brief will be furnished if required.

In addition to these facts, after Swift and associates had appealed from the order denying Martha Jackson leave to intervene to cancel the deed given by Parmenter, and to set aside the settlement of $111,000, approved by the Indian Department (but not approved by the Secretary of the Interior, as the law required) the Black Panther Oil & Gas Co. made application to the Secretary of the Interior, the Hon. John Barton Payne, to have the settlement of $111,000 made by the Indian Department, approved by the Secretary. At this hearing, R. C. Allen, representing Parmenter, and C. Guy Cutlip, also representing Parmenter, appeared with attorneys for the Panther Co. urging the approval of the $111,000 settlement. Also appearing with attorneys for the Panther Co., urging such approval, was First Assistant Secretary of the Interior Hopkins, J. C. Davis, Creek national attorney, the superintendent of the Five Civilized Tribes, and Cato Sells, Commissioner of Indian Affairs. The approval was opposed by Mr. Swift and associate counsel, representing Martha Jackson. Secretary Payne refused to approve the $111,000 settlement, and held:

> * * * "It is ordered that the oil and gas lease executed by Saber Jackson, as guardian of Martha Jackson, with J. Coody Johnson, under date of August 26, 1913, by and between J. Coody Johnson, party of the first part, and Saber Jackson, as guardian of Martha Jackson, a minor, parties of the second part, and the oil and gas lease dated November 13, 1913, executed by Saber Jackson individually, to J. Coody Johnson, together with the contract of employment between Saber Jackson, individually, and J. Coody Johnson, dated November 13, 1913, be and the same are hereby approved. The said leases cover the Barney Thlocco allotment, to wit: The NW. ¼ of sec. 9, T. 18

N., R. 7 E., Creek County, Okla., and were made as the consideration for the said employment contracts. This controversy involves the interest of Martha Jackson, a minor, to the royalties in the hands of the receiver in the case of United States of America *v.* Bessie Wildcat, et al., from the inception to the date on which the fee of the said real estate was conveyed by R. W. Parmenter, guardian, to Thomas Kelly, July 9, 1917, the validity of which conveyance is not involved in this proceeding and is not passed upon. The Secretary of the Interior is of opinion that in view of the said leases made to J. Coody Johnson in 1913, as aforesaid, the conduct of the parties subsequent thereto, including the contract of February 26, 1918, between the Black Panther Oil & Gas Co., James Brazell, O. O. Owens, and J. Coody Johnson, purporting to dispose of said royalties, that the said J. Coody Johnson, the Black Panther Oil & Gas Co., Saber Jackson, and all parties claiming by, through, or under them, or any of them, are conclusively estopped from denying that the said Martha Jackson is entitled to receive less than the full one-eighth royalty mentioned in the lease so executed by her guardian, being one-half of the royalties accumulated prior to said conveyance and now in the hands of the receiver; and the Secretary finds, as a matter of fact, that she is entitled to receive said one-eighth, her interest amounting as of the date of the conveyance to Thomas Kelly, as aforesaid, to the sum of $325,000, approximately."

A copy of said order, dated May 6, 1920, is hereto attached as Exhibit 14.

So incensed was Secretary Payne at those asking for the approval of the $111,000 settlement, at the conclusion of the hearing he remarked:

"Those asking for the approval of this settlement (the $111,000 stipulation) remind me of the thieves who crucified the Christ and then cast lots for his raiment;"

and directed Mr. Swift to proceed with the litigation to cancel the deed from Parmenter to Kelly, mentioned in his order.

All of these facts were well known to Commissioner of Indian Affairs Burke when he disapproved the Swift stipulation and later approved one for $308,000, and while the commissioner stated in his letter to M. L. Mott that he disapproved the Swift stipulation "because he was convinced Martha and Saber Jackson were entitled to $1,500,000," and later "proceeded to negotiate a new settlement," all that he did was to carry out, in part, the order of Secretary Payne above quoted, which had estopped all parties from denying that Martha was entitled to receive less than $325,000, approximately, and the commissioner came within the "$325,000, approximately," by allowing Panther Co. credit for the $12,000 theretofore paid to Parmenter for a deed to the land.

The record shows that the commissioner's friend, M. L. Mott, figured in the Martha settlement, as well as the Saber crucifixion, for on April 4, 1921, Mott wrote Commissioner Burke as follows:

"Dillard, Allen & Dillard, attorneys for guardian of Martha Jackson, have employed me to assist in having their fees determined. I desire to be heard before action is taken by the department on approval of settlement of Martha Jackson interest involved in the Thlocco case. There is, in connection with this whole transaction, much information that you and the Secretary of the Interior should be in possession of before approval of any agreement between the parties by the department. I will be in Washington soon. If you desire the matter taken up, notify me and I will appear at once."

"P. S.: See Judge Allen's letter, which goes by the same mail."

This was on a hearing before Commissioner Burke on the stipulations submitted by Mr. Swift. Copy of letter from Mott to Commissioner Burke, dated April 4, 1921, is hereto attached as Exhibit 15.

And that is not all the part Mott played in the settlement of the Martha Jackson case and in securing fees for R. C. Allen. After the commissioner disapproved the Swift stipulation and "instituted proceedings looking to a new settlement," as he claims, he directed A. J. Ward, Creek national attorney, to make a report and recommendations in the Martha Jackson case. Ward and Mott were and are close friends. At the conclusion of his report (which is on file in the Indian Department) Mr. Ward made the following recommendation:

"The matter of attorneys' fees to be paid is not here discussed or considered, but will probably come up for consideration as soon as the above sum of money is set aside to Martha Jackson by proper court order in the event the contract ($308,000) is approved. There are, as I understand it, only two claims for attorneys' fees that are entitled to consideration as aginst Martha Jackson, namely, the claim of C. Guy Cutlip and of Messrs. Dillard, Allen & Dillard.

And the recommendation was made by Ward, Creek national attorney, in face of the record, with which he was familiar, that both Cutlip and the firm of Dillard, Allen & Dillard, or, rather, Allen of that firm had at all times and on all occasions done everything in their power to prevent Martha Jackson from receiving more than the $111,000 allowed her by the trial court.

In Mr. Swift's report to the Attorney General on the Martha Jackson case he stated that he had been advised by Mr. F. W. Dillard, of the firm of Dillard, Allen & Dillard, that M. L. Mott either "wrote, dictated, or caused to be written" the clause above quoted from the report of A. J. Ward to Commissioner Burke, and that Mr. Dillard would swear to the fact.

THE FUNDS OF MARTHA JACKSON NOW IN THE HANDS OF THE INTERIOR DEPARTMENT TO BE TURNED OVER TO THE JURISDICTION OF THE PROBATE COURT OF OKFUSKEE COUNTY AS UNRESTRICTED FUNDS

I am informed and believe, and offer to furnish names of witnesses who will testify to the fact, that the Commissioner of Indian Affairs, Mr. Burke, not being satisfied with permitting his friend, M. L. Mott, to settle the Saber Jackson case for $50,000, the funds being paid into the county court of Okfuskee County as unrestricted funds, in violation of law, recently, and within the past three months, lent himself to a plan whereby the remaining funds of Martha Jackson (approximately $250,000) were to be turned over to the jurisdiction of the probate court of Okfuskee County as unrestricted funds, the attorneys securing the consent of the commissioner for the transfer of the funds to be paid a fee of 10 per cent of the estate. In addition to this, so I am advised, the plan contemplates that as soon as the money is transferred, Martha Jackson, who is now under guardianship as an incompetent, is to be restored to competency and the estate turned over to her, for which service certain attorneys are to be paid one-half of the remainder of her estate and thus complete the legal, or illegal, rape of this incompetent full-blood Indian girl, ward of the Government. Learning of this scheme, Mr. W. W. Pryor, of Holdenville, wrote the Hon. Hubert Work, Secretary of the Interior, under date of September 20, 1924, as follows:

"Yesterday we learned that there are some agreements whereby certain favored attorneys are to receive 10 per cent of the funds in the hands of the department in case they can get the department to relinquish supervision over the funds of Martha Jackson. We also learned that certain favored attorneys have an understanding with the county judge of Okfuskee County, whereby they are to receive $25,000 as a fee for the said services as soon as the money is placed under the supervision of the county court of Okfuskee County. And we also learned that Commissioner Burke has given his consent to a relinquishment of these funds."

Prior to Mr. Pryor's letter to Secretary Work, under date September 20, 1924, the district court of Seminole County held that Parmenter never was the legal guardian of Martha Jackson as an incompetent, and that W. E. McKinney was the legally appointed guardian, as Swift and associates had always claimed. Parmenter appealed to the Supreme Court of Oklahoma, but later dismissed his appeal, and the supreme court sent down its mandate, which was to the effect that McKinney was the legal guardian of Martha Jackson as an incompetent. This being a fact, the settlement made by Parmenter of $308,000, approved by the commissioner and Assistant Secretary of the Interior, was illegal, as was also the payment of $70,000 by Commissioner Burke to Parmenter and his lawyers out of the funds of Martha Jackson. When Mr. Pryor, of counsel for McKinney, guardian of Martha, called this matter to the attention of Secretary Work, the Indian Department instructed Mr. Dubley D. Buell, probate attorney, Holdenville, Okla., to file a motion in the Supreme Court of Oklahoma to recall the mandate holding that Parmenter was not the legal guardian of Martha, which has been done, and also a motion to "substitute Mr. Buell for Parmenter" in the appeal. The only purpose of this move is to try to protect the Commissioner of Indian Affairs in the wrongful payment of $70,000 of Martha's money and to bolster up the $308,000 settlement made by Parmenter. These motions have not as yet been passed upon by the supreme court, and are still pending.

THE FUNDS OF MARTHA AND SABER JACKSON ARE RESTRICTED FUNDS, UNDER THE DUAL SUPERVISION OF THE SECRETARY OF THE INTERIOR AND THE PROPER PROBATE COURT OF OKLAHOMA

For authority that the funds of Martha and Saber Jackson are restricted funds, see act of Congress of May 27, 1908. United States *v.* Hinkle, 261 Fed. 518–22; Parker *v.* Richards, U. S. —, 63 L. ed. 954.

When the Government intervened in these cases (see Exhibit 12) it was upon the theory that the funds of both Martha and Saber Jackson were restricted funds.

THE JACKSON BARNETT CASE

This is another case where, as in the cases of Martha and Saber Jackson, M. L. Mott—friend of Commissioner Burke—appears on the scene and takes a more or less important part in the wrongful and illegal disposition of approximately $1,100,000 of a full-blood, incompetent Creek Indian's estate by the Interior Department and the Indian Department thereof, during the incumbency of Albert B. Fall as Secretary of the Interior, and Charles H. Burke, Commissioner of Indian Affairs, without the consent or approval of the probate court

of Okmulgee County, where the guardianship of Jackson Barnett was and is pending, without the knowledge or consent of the guardian of Barnett, and in direct violation of law.

That your committee may know the first steps in the conspiracy to extract the $1,100,000 from the estate of Jackson Barnett, above referred to, I quote from a petition of the guardian of Barnett recently filed with the Hon. Hubert Work, Secretary of the Interior, in an effort to recover this $1,100,000 wrongfully and illegally paid out by the Interior Department under and by recommendation and approval of Charles H. Burke, Commissioner of Indian Affairs. That part of the petition referred to is as follows:

"* * * That the sole power and authority of the Secretary of the Interior to approve and make rules and regulations relating to the leasing and leases of restricted lands for oil and gas mining purposes, including the lands of said incompetent, is and was derived solely from and limited by said section 2 (the act of Cong., of May 27, 1908).

"That the Secretary of the Interior, assuming to act under the provision of said section 2, promulgated certain rules and regulations, among which are the following:

"'(25) All royalties, rents, or payments accruing under any lease made for or in behalf of any minor or incompetent shall be deposited by the Indian agent or other Government officer to whom paid to the credit of the guardian or curator of said minor or incompetent in some national bank or banks designated by the Commissioner of Indian Affairs, and may be withdrawn therefrom by said guardian or curator, with the consent of the United States Indian agent, in sums not exceeding $50 per month, unless otherwise ordered by the court. Sums in excess of $50 per month may be withdrawn on order of the proper court and not otherwise. Such designated banks shall furnish satisfactory surety bonds, to be approved by the Secretary of the Interior, guaranteeing the safe care and custody of the funds deposited.'

"That subsequent to the promulgation of the above rule the Secretary of the Interior assumed—and without power under the above statute and acts of Congress, which limits the Secretary's authority to that of prescribing rules and regulations relating to leases and leasing—to annex a provision to said rule 25 by which the Secretary of the Interior, without authority, attempts to empower the Superintendent for the Five Civilized Tribes to exercise an arbitrary discretion and withhold all funds arising from royalties from the benefit of minors and incompetents and from their respective guardians, which rules are and have been in effect, so far as consistent with the above statutes and treaties (and not otherwise) at all times mentioned in this complaint.

"* * * That from the time of the creation of the office the Superintendent for the Five Civilized Tribes by virtue of said statute of August 1, 1914 (38 Stat. 598), it was, under the construction as applied and placed thereon by the Secretary of the Interior and the Interior Department, the invariable custom and practice for the Superintendent for the Five Civilized Tribes, and said cashier, to receive the royalties accruing from the leases of restricted minors, incompetents, and retain the custody thereof to the credit of such guardians and subject to the payment therefrom to the guardians for the benefit of their respective wards upon orders of the county court having jurisdiction of the guardianships.

"That the above custom and practice during all of such time, covering a period of more than eight years, and until about October, 1922, obtained as to the royalties and estate and guardianship of the said incompetent, Jackson Barnett.

"That during the latter part of the year 1922, the Secretary of the Interior and Commissioner of Indian Affairs, contrary to said laws and such of the rules and regulations consistent with the statute, and in departure from the said construction and interpretation at all times formerly applied thereto, assumed to dominate the affairs of the Superintendent for the Five Civilized Tribes, and the said cashier, in respect to the custody, control, and disbursement of said royalties received and in the hands of said cashier, including the royalties of said Jackson Barnett, to the extent of directing payments and disbursements therefrom without awaiting or requiring the order of the county court having jurisdiction of the respective estates of such ward, and that said superintendent and cashier have been and are indulging in the practice of carrying out said directions. That such unwarranted practice during the year 1922 has obtained as to the royalties and estate of Jackson Barnett.

"Your petitioner further respectfully represents that said Jackson Barnett, an adjudged incompetent, is in fact a mental incompetent, and by reason thereof has been for more than a half century, and now is mentally incompetent and incapable of taking care of himself and managing his property, and entirely unable to comprehend the value, condition, character, nature, and extent of his estate, or any part thereof, and is also without mental capacity to comprehend and understand, and without actual comprehension or understanding of any written instrument, purported trusts, requests, and agreements hereinafter mentioned in this complaint. That said incompetent is, and for many years past has been (on account of an injury sustained in his early youth which permanently arrested his mental development), incapable of discerning or appreciating the motives and designs, evil or otherwise, of any person or persons with whom he comes or may come in contact.

"That during the month of February, 1920, defendant Anna Barnett, together with accomplices, none of whom had any previous acquaintance with said mental incompetent (excepting as disclosed by the report of the Secret Service agent referred to herein), enticed and forced the aged Indian into an automobile, transported him from his habitation, his accustomed environment, and the association of the members of his tribe, to the States of Kansas and Missouri, and in each State the said Anna Barnett entered into an alleged marriage relation with said decrepit mental incompetent.

"That at the time of the above 'matrimonial enterprise' the said spouse, to carry out her designs, engaged the services of legal counsel to bring about a situation whereby she and her accomplices might acquire and extract from the estate of said incompetent approximately $550,000. That in consideration of such assistance the said counsel was (contingent upon success) to receive approximately $150,000 of the funds to be so extracted from the aged Indian's estate.

"That in pursuance to the designs and arrangements above referred to, with the cooperation of other persons unknown to this complainant, the alleged incompetent has been continuously since said alleged marriage kept away from his former acquaintances, members of his tribe, and absented from his guardian, and at all times has been under the designing, dominating, immediate, and undue surveilance, duress, and restraint of the said spouse, her private counsel, and some of the associates.

"That during December, 1922, a letter was prepared by some person or persons other than Jackson Barnett, which letter purported to direct the negotiation and consummation of complex business transactions, involving the execution of various technical contracts and trust agreements, and designed to culminate in the disposition and distribution of more than a million dollars, approximately $550,000 of which was to be given to said Anna Barnett; that said letter was written in the English language, which said incompetent could not read, and couched in terminology which is not susceptible of literal interpretation into Creek, the native language of said incompetent, and if interpreted in substance, involved transactions which were and are wholly foreign to and beyond the comprehension of said incompetent; that after said letter was so prepared, said incompetent in some manner unknown to this complainant was caused to impress his 'thumb print' as a purported signature.

"That the said Jackson Barnett at all times mentioned in this complaint, and at the time of so impressing his thumb print on said written instrument purporting to be his letter and pretending to contain his request and directions, was in fact a mental incompetent by reason of imbecility, such unfortunate mental condition being apparent to any person of average intelligence observing or attempting to converse with said ward, and his mind and memory are so impaired as to render him wholly incapable of understanding or comprehending the contents of said letter, or of giving the directions or of making or understanding the requests or the nature, character, and effect of the transactions and directions referred to and contained therein.

"That after said letter was so prepared and impressed with the thumb mark of said incompetent, it was forwarded or taken to the office of the Secretary of Interior, at Washington, D. C., together with the other papers and purported trust agreements, which the incompetent was likewise wholly incapable of understanding and did not understand.

"That the Assistant Secretary of the Interior, not so far as complainant is informed, being advised of the fraud practiced upon said incompetent and without actual knowledge of the mental incompetency and imbecility of said Jackson Barnett, although such incompetence and imbecility in fact had previously been reported to the department by the Secret Service, which report was then on file, was by reason of the contents of such letter induced to and did participate in and approve the carrying out of such purported directions, and without authority, without an order of the county court of Okmulgee County, Okla., and without the knowledge and consent of the guardian, delivered, in violation of law, unto Anna Barnett and her counsel, $550,000 belonging to the estate of said incompetent. That of the $550,000 so delivered, $200,000 was by said donee with or by her direction delivered to and deposited in the Riggs National Bank, of Washington, D. C., and is now held by said bank as hereinafter alleged; and approximately $100,000 paid, as a part of the transaction to the

private counsel of Anna Barnett as a gratuity for his services, as per the original agreement accompanying the matrimonial enterprise, to 'extract the half million or more from the aged Indian's estate.'

"That on or about April 28, 1920, the Secret Service or special agency of the Interior Department filed with the Commissioner of Indian Affairs, a report relating to an alleged kidnapping of Jackson Barnett. The above report relates a state, especially as contained in the concluding 12 pages, which, if true, disclose propensities so shockingly depraved and dangerous in their nature, as, and when considered with the imposition successfully practiced upon the department resulting in its apparent approval, and the extraction of the '$550,000 or more' from the estate of the aged Indian, warrants this guardian, under order and advice of the probate court, in asking the official cooperation of your honorable Secretary in granting the assistance and relief prayed for in this petition.

"That on or about the year 1917, and prior to May, 1918, the exact date being unknown to this petitioner, the said cashier, without an order of the county court of Okmulgee County, Okla., invested the major portion of the proceeds of the royalty arising from said incompetent's allotment, in United States bonds, and without an order of said court and without the knowledge and consent of this guardian, forwarded and delivered said bonds, amounting to over a million dollars, to the Secretary of the Interior; that during February, 1923, the Secretary of the Interior, Albert Fall then incumbent, acting by and through F. M. Goodwin, Assistant Secretary of the Interior, assumed the control of said funds and power of disposing of the same upon what purported to be the written request of said incompetent; that on or about February 1, 1923, acting upon said request and without an order of said county court and without the knowledge or consent of the guardian of said ward, said Assistant Secretary of the Interior delivered to one Anna Laura Barnett and her private counsel said bonds or the proceeds thereof to the extent and value of $550,000, as a gift, solely upon the authority and pursuant to said purported and pretended request of said mental incompetent.

"That contemporaneously with the delivery of said sum or bonds, or soon thereafter, the exact date being unknown to this petitioner, the said Anna Laura Barnett, or some official or employee of the Interior Department, delivered to the Riggs National Bank of Washington, D. C., said bonds or the proceeds thereof to the value of $200,000; that contemporaneously with the delivery of said bonds, or the proceeds thereof, a purported trust agreement was entered into between the said Anna Laura Barnett and said bank, without any order or approval of said county court, and without any knowledge or consent of this guardian; that said agreement is in possession or control of said bank and the Interior Department, and that the contents thereof are unknown, but this complainant is informed and believes and avers that by the terms of said purported trust agreement said incompetent is wholly deprived of said $200,000, and the same wrongfully diverted from his estate, except for a small amount to be handled by your honorable Secretary of the Interior (as per the terms of said trust agreement), not exceeding a 3 per cent annual income, provided by said agreement to be paid upon said $200,000 to said incompetent during his lifetime.

"That at the time of the consummation of the original designs aforesaid and contemporaneously therewith, and with the apparent purpose of bolstering the entire enterprise with the color of philanthropy, there was likewise taken by the officials of the department, acting upon the purported written request of Jackson Barnett and induced by the impositions practiced upon them, the sum of $550,000, which was delivered to the Equitable Trust Co. of New York in trust for certain purposes and objects disclosed by the records of the Interior Department, concerning which the said incompetent had no knowledge and was and is wholly incapable of understanding and comprehending; that said funds are still in the hands of said trust company (subject to process), and said company has been notified of the mental incapacity of the unwitting and incompetent donor.

"That your petitioner on the 5th day of June, 1923, was subjected to an order of the county court of Okmulgee County, Okla., a copy of which is exhibited herewith, directing this guardian to avail himself of such cooperation and assistance as the honorable Secretary of the Interior might render in seeking to recover that portion, aggregating over a million dollars of the aged Indian's estate, which has been erroneously and through misinterpretation of the law illegally diverted.

"That the United States Court for the Eastern District of Oklahoma, Justice Williams presiding, in a case instituted by this guardian to enjoin the Superintendent of the Five Civilized Tribes and the cashier from paying a $50,000 voucher directly to said mental incompetent without order of the probate court, announced as its decision in passing upon a motion then pending, 'That the officials of the Interior Department were and are without authority to make payments from the restricted funds of incompetent Indians, such as Jackson Barnett, except upon a concurring or joint order of the department and the probate court.' That said suit is still pending by which this guardian is seeking to preserve $50,000 and prevent the certain waste and dissipation thereof, which would certainly result from its payment direct to said incompetent, as threatened, but thus far the progress of the guardian in said cause is being resisted by the Interior Department, acting by and through its representatives in said court.

"Your petitioner represents that as guardian of Jackson Barnett he is practically without funds, as disclosed in the said order of the probate court, exhibited herewith, and will be unable to pursue with promptness the necessary legal remedies unless the Superintendent of the Five Civilized Tribes and said cashier complies with the said directions of the probate court and concurs therein.

"That the alleged Mrs. Barnett, claiming to have the support of a number of the officers or attachés of the Interior Department, has left the territorial jurisdiction of the State and Federal courts of Oklahoma, and restrains the aged Indian from his old home friends and tribal members, as disclosed in the findings contained in the order of the probate court, and in this respect likewise, with the apparent support of some of the subofficers or employees of the department, this guardian is prevented from fully performing his duties with reference to the care and welfare of the incompetent, as contemplated by the statute, and the laws relating to guardianships. That, consistently with the tactics employed ever since said matrimonial adventure, said aged Indian is restrained in a foreign State (California) under surveillance, with the apparent purpose of preventing him from making his actual and true wishes known to his guardian, former neighbors, and immediate Indian relatives.

"That the attitude of the Interior Department, and especially the subofficers, in resisting instead of assisting in the progress of the legal proceeding pending and necessary to preserve and restore the estate of said aged incompetent is likewise an embarrassment and a handicap in delaying the guardian of said mental incompetent in performing what this guardian is by counsel and by the probate court advised, and in good faith believes to be, his duty and legal obligation in the premises."

There is attached hereto a complete copy of the "petition" and report of the guardian of Jackson Barnett (Carl J. O'Hornett) to the Hon. Hubert Work, Secretary of the Interior, from which the above quotations are taken, marked Exhibit 16. There is also attached as Exhibit 17, order of the probate court of Okmulgee County, with petition of Carl J. O'Hornett included in same, directing the guardian to proceed to recover the $100.000 wrongfully paid out of the estate of his ward by the Interior Department and to prevent the payment of $50,000 direct to Jackson Barnett. There is also attached, as Exhibit 18, brief of the law by counsel for O'Hornett, tending to show that the said $100,000 was wrongfully and illegally paid, or given away, by and through a conspiracy to extract the amount from the estate of Jackson Barnett, which conspiracy was carried out by and with the aid and assistance of certain officials of the Interior or Indian Department.

The records of the probate court of Okmulgee County show that the guardian, O'Hornett, has resigned since the filing of the above petition with the Secretary of the Interior, and the facts are, that receiving no aid or assistance from the Interior Department in recovering and protecting the estate of his ward and being without funds to carry on the litigation, a fact well known to the Interior Department officials, he had nothing left to do but resign. In fact, it is reported on good and reliable authority that his resignation was brought about by Indian Department officials, and particularly Mr. Shade Wallen, superintendent of the Five Civilized Tribes, who requested the county court to appoint one of the field clerks working under him in the place of O'Hornett, which the county court refused to do. Just how and why this guardian was induced to resign and the fact that an attempt was made by Indian Department officials to have one of their own pets named in his place is worthy of investigation, even if the record did not disclose the sickening facts hereinbefore cited and referred to.

As stated in the outset of this Jackson Barnett statement, this same M. L. Mott who figured so conspicuously and so successfully for his client, the Black Panther Oil & Gas Co., in the Martha and Saber Jackson cases, also figured in this Barnett case, being paid a part of the $100,000 alleged to have been paid to "counsel for Mrs. Barnett," or paid a fee for his services in the case from some other source. At any rate, he appeared in the case and was paid a fee, and I am reliably informed the said M. L. Mott now claims to be the personal attorney for Mrs. Anna Laura Barnett, which perhaps explains why she is able to keep Jackson Barnett secluded in California, away from his friends, members of his tribe, and blood relatives, and have every wish of the

said Mrs. Anna Laura Barnett gratified in so far as the Indian Department, headed by Charles H. Burke, is able to gratify them, as alleged in the petition of the guardian to the secretary.

While I was county judge of Okmulgee County, Okla., during the years of 1921 and 1922, the same or some other sinister influence was at work in this Barnett case, and Barnett was removed at midnight from his home in Okmulgee County and transported with his household belongings to Muskogee County, Okla., out of the jurisdiction of my court, where an attempt was made to establish his legal residence, and with him went his faithful spouse, Anna Laura Barnett.

An effort was made to buy an expensive home for Barnett in or near Muskogee, Okla., and in October, 1921, he, together with his faithful spouse, was transported to Washington, D. C., in company with Anna Laura Barnett's personal counsel and Edwin C. Motter, special assistant to the Attorney General, for the purpose of getting Commissioner of Indian Affairs Charles H. Burke to make an allowance of about $300,000 for the purpose of buying or building a home in Muskogee, Okla., or near that city, on property claimed to be owned by the said Edwin C. Motter, special assistant to the Attorney General of the United States. Learning of this fact, I wired Mr. George M. Swift, who happened to be in Washington at that time, requesting that he protest the allowance of any sum for the purpose of building or buying a home for Jackson Barnett outside of Okmulgee County, stating that I was willing to approve an order for the building of a home in Okmulgee County. Mr. Swift, at my request, took the matter up with Mr. Motter and also with the Indian Department, protesting in my name against the allowance of the $300,000. The $300,000, I am reliably advised, had already been allowed; but after my protest the money was never turned over, although I am advised Mr. Motter, a special assistant to the Attorney General of the United States, was allowed and paid approximately $800 out of the estate of Jackson Barnett by the Indian Department to cover his personal expenses for "taking Jackson Barnett and his faithful spouse to Washington" to get an order from the Indian Department allowing his faithful spouse $300,000 to buy a house or tract of land owned by the said Edwin C. Motter, special assistant to the Attorney General of the United States, which property was not worth over $15,000 to $20,000 at best.

THE RICHMOND BRUNER CASE

This is a case that was handled while I was county judge of Okmulgee County. Richmond Bruner, a half-blood Creek Indian, died in Okmulgee County, leaving his restricted homestead allotment. He left surviving him a widow, Jane Bruner, and various collateral kindred. Suit to determine heirship was filed in my court. The widow, Jane Bruner, and all the collateral kin were unrestricted heirs, as shown by the rolls in the Interior Department. The collateral kin claimed that Jane Bruner was not the legal wife of Richmond Bruner, deceased; and that therefore they inherited the allotment, and also about $108,000 in cash and Government bonds in the hands of the Interior Department. Pending a determination of the heirship of Richmond Bruner, I appointed Howard Keaton and George M. Swift of Okmulgee, special administrators of the estate, required them to give bond in the sum of $100,000, which they gave in a reputable bonding company. I then directed them to collect the $108,000 cash and Government bonds from the Interior Department, the same being "unrestricted funds." Proper demand was made upon the Superintendent of the Five Civilized Tribes for the cash and bonds, which the superintendent agreed to turn over as soon as furnished with evidence that the heirs of Richmond Bruner were in fact "unrestricted heirs." This information was furnished from the rolls in the superintendent's office, but still he refused to turn over the cash and bonds to the special administrators.

Later, and some time after the 1st of July, 1922, Mr. Howard Keaton, one of the special administrators appointed by me, was in Washington and called upon Mr. Charles H. Burke and again requested that said cash and bonds be turned over to the special administrators as ordered by the county court of Okmulgee County, which request was denied, and on July 19, 1922, Commissioner Burke wrote Mr. Keaton at the Raleigh Hotel, Washington, D. C., in part as follows:

> * * * "It would seem that you are in a position where there is no occasion for any particular anxiety with reference to the funds in the possession of the Interior Department, as you know they will be available eventually and that they will be intact. As soon as I can get the full record in the case and am apprised of all the facts, I will write you further."

A copy of the commissioner's letter is hereto attached as Exhibit 19. But the commissioner did not write Mr. Keaton further and did not turn over the estate of Bruner as ordered by the county court which had exclusive jurisdiction over this "unrestricted" estate.

However, after I had retired from the bench and my successor had taken up the duties of the office—about six months after the commissioner refused to turn over the estate to the special administrators—the incoming judge of the county court appointed the Guaranty Trust Co., of Muskogee, Okla., administrator of the estate of Richmond Bruner, and the commissioner promptly ordered the estate turned over, although the Guaranty Trust Co. was at that time and is now practically bankrupt. The Guaranty Trust Co. as soon as it had gotten possession of the estate proceeded to dissipate it, and within about 60 days after getting possession of the cash and bonds the entire estate had been dissipated, and, in addition, the managing officer of that concern had acquired a deed from Jane Bruner, who had been declared by the court to be the sole heir of Richmond Bruner to the 40-acre homestead worth about $25,000. Hon. W. A. Barnett, county judge of Okmulgee County, as soon as it was called to his attention that the estate was being dissipated ordered the trust company to file a report, which it refused to do, and it was promptly removed and ordered to file its final report, new administrators being appointed; on a hearing on final report showing disposition of the $108,000 in cash and bonds Judge Barnett surcharged the trust company with $92,000 of the $108,000, and directed the guardians of Jane Bruner, who were also the new administrators of the estate of Richmond Bruner, to proceed against the trust company for the $92,000, and also for cancellation of the deed to the 40 acres taken by the managing officer of that company. Mr. George M. Swift was employed by the guardians and administrators, and has been successful in recovering the 40-acre tract and about $31,000 in cash for Jane Bruner, the trust company being bankrupt could not be made to restore the entire amount.

This case is mentioned for the purpose of showing with what wonderful skill and ability and with what zealousness the present Commissioner of Indian Affairs guards the interest of funds of Indians under his care. Had he turned over the estate of Richmond Bruner to the duly appointed special administrators as required by law, who were under $100,000 bond, this estate would never have been squandered, but he refused to do so; but when application was made by a Muskogee concern, without investigating the responsibility of that concern, he promptly turned the estate over.

The Indian Department did, however, graciously permit the special administrators to indorse a check to T. Ed Williams, undertaker, Muskogee, Okla., in the sum of $1,469, "funeral expenses of Richmond Bruner," which included, among other items, "flowers, $50." More generous to Richmond in death than in life, as seems to be the general custom of the department.

During his life Richmond was under guardianship as an incompetent, and supposedly, under the law, his estate was under the dual supervision of the Indian Department and the probate court, but in this case, as in many others, the present Commissioner of Indian Affairs usurped the powers of the courts of Oklahoma and administered the estate to suit himself without any order of court and in direct violation of the act of Congress of May 27, 1908, and various other acts of Congress relating to the estates of minors and incompetents.

Respectfully submitted this 29th day of November, 1924.

HUGH MURPHY,
Former County Judge, Okmulgee County, Okla.

Names and addresses of witnesses who may be summoned who will testify as to the facts herein related:

Martha and Saber Jackson cases: George M. Swift, attorney, Okmulgee, Okla.; W. W. Pryor, attorney, Holdenville, Okla.; Conrad H. Syme, attorney, Washington, D. C.; James W. Bellar, attorney, Washington, D. C.; Owen C. Becker, attorney, Oneonta, N. Y.; R. S. Cate, attorney, Muskogee, Okla.

Jackson Barnett case: Carl J. O'Hornett, guardian, Henryetta, Okla.; C. B. McCrory, attorney, Okmulgee, Okla.; W. A. Barnett, county judge, Okmulgee, Okla.; George M. Swift, attorney, Okmulgee, Okla.

Richmond Bruner case: George M. Swift, attorney, Okmulgee, Okla.; Howard Keaton, attorney, Okmulgee, Okla.; Ephram H. Foster, attorney, Okmulgee, Okla.

STATE OF OKLAHOMA,
Okmulgee County, ss:

Hugh Murphy, of lawful age, being first duly sworn, upon his oath states: That the matters and things herein above set out are true, except as to those stated upon information and belief, and that as to those he believes them to be true.

HUGH MURPHY.

Subscribed and sworn to before me this the 29th day of November, 1924.

[SEAL.] ARLINE BOLT,
Notary Public.

My commission expires May 16, 1928.

Mr. BUCHANAN. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Washington. Mr. Chairman, there was passed at the first session of the Sixty-eighth Congress the act of June 7, 1924. The act is as follows:

An act to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Stevens and Ferry Counties, in the State of Washington, as taxes claimed by said counties under section 2 of the act of July 1, 1892, relating to the payment of local taxes on allotted Colville Indian lands, the following sums, to wit: To Stevens County, $44,309.67; to Ferry County, $71,458: *Provided*, That there may be deducted from said amounts by the Secretary of the Interior such sum or sums as he may find have been paid to said counties for Indian tuition; also the excess, if any, where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable land.

SEC. 2. That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated $115,767.67, or so much thereof as may be necessary, for the payment of said sums to said counties, as provided in the foregoing section.

This act was initiated by H. R. 1414 and is a mandate to the Secretary of the Interior to pay to the counties named the amounts of money therein designated, subject to deductions therefrom of such sums as he may find have been paid to said counties for Indian tuition and subject to deductions also for the excess, if any, where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands. Furthermore, the act authorizes the appropriation, out of any money in the Treasury not otherwise appropriated, for the payment of said amounts to said counties.

In keeping with the provisions of the act in question, the Secretary of the Interior included said items in the estimates for 1926 for his department to the Director of the Budget, and said items were approved by said director, as appears on page 395 in the message of the President of the United States transmitting the Budget for the service of the fiscal year ending June 30, 1926.

However, the Subcommittee on Appropriations having in charge the framing and presenting of the appropriation bill for the Department of the Interior at the present session of Congress omitted the items from said bill and refused to include them therein for the reason stated as follows on page 3 of its report on said bill, to wit:

An item of $115,767.67 estimated for payment of taxes to counties in the State of Washington is not recommended, as a precedent would be established by such payment that might hereafter be held to justify many millions in similar payments in many States.

Also, on page 83 of the CONGRESSIONAL RECORD of December 3, 1924, the chairman of said subcommittee, Mr. CRAMTON, in his remarks relative to the items in question, after quoting as the authority therefor the said act of June 7, 1924, said:

The report on that bill in the House carried this letter from the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1924.

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

DEAR MR. SNYDER: The receipt is acknowledged of your request dated January 9, 1924, for report on H. R. 1414, Sixty-eighth Congress, first session, entitled "A bill to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes."

The claims of Stevens and Ferry Counties are based upon section 2 of the act of July 1, 1892 (27 Stat. 62), and no objection will be made to the enactment of H. R. 1414 into law.

The provisions of the bill are identical with H. R. 5418, Sixty-seventh Congress, first session, a favorable report upon which was made to your committee on May 16, 1921, in which reference was made to a report dated December 6, 1920, to the President of the Senate on paragraph 22 of the Indian appropriation act approved February 14, 1920 (41 Stat. 408, 432). These reports contain in full the reasons for favorable action.

Very truly yours,

HUBERT WORK.

The statement of the department that the claims were based on the act of 1892 would naturally disarm opposition to the bill. But investigation in our hearings developed that the act of July 1, 1892, provided:

"SEC. 2. * * * set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians."

That is to say, it authorized these payments in lieu of taxes from the tribal funds, if sufficient was available. The act of June 7, 1924, provides for payment from public funds.

In the first place, the act of 1924 provides for $115,767.67 to be paid, less the amount that has been paid for tuition of Indian children in the public schools in those counties. After inquiry we learned that the tuition amounted to $26,000 and more, and the payment to the counties would need to be reduced accordingly. Further, the act of 1924 required that it should be ascertained that the rate of taxation that would be applied on these Indian lands was not to be at a higher rate than on other lands.

But there have been no steps taken to bring about the ascertainment of the truth as to that, so that in any event we are not ready to act upon this particular item. In the hearings Mr. Meritt said:

"Referring to the inquiry about the report of the official who made the investigation regarding the claims of Stevens and Ferry Counties, in the State of Washington, you are advised that our records show that this report was transmitted to the Secretary of the Senate under date of December 6, 1920, and this report has not been returned to the files of this office. Careful investigation of the records of the Indian office show that there has been expended for tuition of Indian children in Ferry County $18,263.37, and for tuition of Indian children in Stevens County $6,033.93. We have no information about 'the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable land.' Any further information available from the files of this office desired by the committee will be gladly furnished."

But there is more involved in this than that. The act of 1892, as I have said, authorized the payment of these moneys in lieu of taxes out of the funds of the Indians received from their sale of the ceded portion of the reservation. But the act of 1924, which it was said was to carry into effect the act of 1892, concerns a payment out of the Treasury and not out of the funds of the Indians.

To make this appropriation of $115,000, as authorized by the act of 1924, would be a precedent that if carried out logically would involve the Treasury in the expenditure of hundreds of millions of dollars, because there are probably a thousand counties in the West that are fully as much entitled to such recognition from the Treasury as are those two counties, as far as payment from public funds is concerned. And so the committee have eliminated that item from the bill.

On December 5, 1924, when the said appropriation bill was being considered in Committee of the Whole House, I offered an amendment thereto, in reference to which the following colloquy and proceedings occurred as shown on pages 197 and 198 of the CONGRESSIONAL RECORD of December 5, 1924:

Mr. HILL of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

"Amendment offered by Mr. HILL of Washington: On page 20, between lines 17 and 18, insert: 'For payment of certain local taxes to the counties of Stevens and Ferry, in the State of Washington, on allotted Colville Indian lands, as provided by the act of June 7, 1924, $91,470.33.'"

Mr. CRAMTON. Mr. Chairman, I reserve a point of order against the amendment. I will say, in order to save time and dispose of the point of order, that I note the gentleman has cut the amount some $25,000 or $26,000 from what was estimated by the Budget. I would assume he is deducting the amount that has been paid as tuition for Indian children in the schools of those counties.

Mr. HILL of Washington. Will the gentleman yield?

Mr. CRAMTON. Yes. I am asking that of the gentleman.

Mr. HILL of Washington. Yes. I take from the chairman's speech on Wednesday of this week the figures included there, as given him by the Bureau of Indian Affairs, as being the amount of tuition paid to these counties, Ferry and Stevens, respectively, and I have deducted the total of those two items.

Mr. CRAMTON. Has the gentleman information as to whether the other condition precedent of the act of 1924 has also been complied with? Has it been determined that the rate of tax that would be accomplished by this payment to those counties is no higher than similar property in white ownership is now paying and has paid?

Mr. HILL of Washington. I will say to the gentleman that in the hearings before the subcommittee there were submitted unofficially made-up tax rolls to embrace the allotted lands in these two counties involved in that particular bill, employing the same rates as the offi-

cial rates of tax levy for the years covered in the claims. This was made in the respective counties and based on valuations of lands in the same localities and of similar character to the allotted lands, and I want to refer the gentleman further to a statement included in the report of the inspector who made the investigation in the field and reported back the result of his investigation to the Secretary of the Interior in the following language:

"The sources of evidence used by me indicated that the amounts placed upon the Indian lands are just if the assesments against the white lands are just."

I will say to the gentleman that when the committee that heard this matter—the subcommittee of the Committee on Indian Affairs, at the last session of Congress, when the bill to authorize this payment was under consideration—was holding hearings thereon these documents were submitted to the subcommittee for inspection; that is, the official tax rates were taken and the values were placed on a parity with similar lands in the localities where the allotted lands were situated.

Mr. CRAMTON. Mr. Chairman, I will make the point of order in the interest of economy of time, and the point of order is this: There is no law authorizing the expenditure that is proposed in the amendment offered by the gentleman from Washington except the act of June 7, 1924. The act of June 7, 1924, provides:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to make certain payments: *Provided*, That there may be deducted from said amounts by the Secretary of the Interior such sum or sums as he may find have been paid to said counties for Indian tuition; also the excess, if any, after the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands."

The statute governing this matter does not authorize necessarily the appropriation of $115,000. It contemplates a reduction of that amount by two items—first, the amount of Indian school tuition heretofore paid in those counties, and second, deduction of any excess involved in a higher rate of taxes being applied to these Indian lands than to similar white lands. The hearings disclose the fact that the Secretary of the Interior has not since June or since this law became effective made any examination of the question as to the tax rates. As to the matter of the payment of tuition, the records are in his office, and as I understand it is covered by the deduction that the gentleman from Washington has made, and I do not raise any question as to that; but as to the tax rates, an obligation is placed on the Secretary to make that investigation. The investigation has not been made by the Secretary under the statute. The only appropriation we are authorized to make is an appropriation subject to such reduction as the Secretary of the Interior would find necessary under that provision of the act of 1924, but the amendment before us proposes a flat appropriation of some $90,000 and disregards that provision of the statute.

Mr. WINGO. Will the gentleman yield for a question?

Mr. CRAMTON. In a moment. I want to make this one suggestion first: If the gentleman desires to include authority to the Secretary to do as the act of 1924 authorized, then I do not think it would be subject to a point of order, and I would not desire to make a point of order.

Mr. HILL of Washington. I will be very glad to have that inserted; in fact, that was my understanding of the authority already given by the act of 1924.

Mr. CRAMTON. Yes; the authority is given by the act of 1924, but not preserved in the gentleman's amendment. The gentleman's amendment disposes of that matter. If the gentleman desires to add a proviso providing that the Secretary of the Interior shall deduct from such payment such excess, if any, as shall result from the rate based on the value of the Indian allotments above the rate based on taxable land, such an amendment would not be subject to a point of order, and I have no desire to be overtechnical or prevent the gentleman having a hearing.

Mr. HILL of Washington. I will be very glad to ask for a modification of the amendment in order to embrace that.

Mr. CRAMTON. Then, Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. Does the gentleman from Washington desire to modify his amendment?

Mr. HILL of Washington. Yes, Mr. Chairman, I desire to modify my amendment to embrace the proviso in the language suggested by the chairman of the committee.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to modify his amendment in the manner indicated, and without objection the amendment will be made and the Clerk will report the amendment as modified.

There was no objection.

Mr. WINGO. Will the gentleman from Michigan yield for a suggestion?

Mr. CRAMTON. Certainly.

Mr. WINGO. May I direct the gentleman's attention to the fact that the reference to the act in the amendment in question says "as provided by that act"? I suggest instead of having a proviso, if after the figures "91,000" there is inserted "or so much thereof as may be necessary," you will have your limitation beyond any question. The gentleman's amendment does not say "as authorized by," but "as provided by."

Mr. CRAMTON. I am not sure how it would be construed if the gentleman's amendment put that in as a reference to the authorization for the appropriation. I am not sure it would be construed to carry with it the restrictions of the original provision. I am sure that this would reach the matter.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

"Amendment offered by Mr. HILL of Washington: On page 20, between lines 17 and 18, insert:

"'For payment of certain local taxes to the counties of Stevens and Ferry, in the State of Washington, on allotted Colville Indian lands, as provided by the act of June 7, 1924, $91,470.33: *Provided*, That from such sums the Secretary of the Interior shall deduct an amount to equal the excess, if any, in the rate based on the value of Indian allotments as compared with the rate on taxable lands.'"

On a vote on the proposed amendment it was rejected, and as the said appropriation bill now stands it carries no provision for an appropriation for the payment of said items to said counties.

I feel very strongly that the omission to provide an appropriation for the payment of these claims to Stevens and Ferry Counties, in my State, is a grave injustice. I am convinced that the subcommittee having the said appropriation bill in charge reached an immature conclusion as to the merits of the claims in question and as to the legal and equitable obligations underlying them, even if it should be conceded that it is within the province of the committee to go into such matters. The act of June 7, 1924, directs the payment of said claims and authorizes an appropriation of public money for that purpose. Generally speaking, an appropriation committee does not assume the responsibility of disregarding the provisions of an act of Congress in determining whether or not an appropriation for a specific purpose therein authorized should be made. But the subcommittee in this instance departed from the usual course, and while recognizing the existence of the act of June 7, 1924, and not questioning its validity, wholly disregarded its mandate and its provisions and refused to operate under it for the reasons to which I have heretofore referred.

The reasons assigned by the subcommittee for its refusal to include in the Department of the Interior appropriation bill the items for the payment of the claims of Stevens and Ferry Counties are as follows:

1. That section 2 of the act of July 1, 1892, authorized payments in lieu of taxes from the tribal funds of the Colville Indians.

2. The act of June 7, 1924, provides for payment from public funds in the Treasury.

3. To make the appropriation as authorized by the act of June 7, 1924, would establish a precedent that might involve the Treasury in the expenditure of many millions of dollars for the payment of other similar claims.

There were at first two other objections urged by the chairman of the subcommittee against including in said appropriation bill the items in question, but they were overcome and eliminated by the form of the proposed amendment which I offered.

The position taken by the subcommittee in excluding the items in question from the said appropriation bill is not tenable, as I shall endeavor to show.

The Colville Indian Reservation is in the State of Washington and was established by Executive order in 1872. In 1890 an act of Congress was passed authorizing the President of the United States to appoint a commission to negotiate with the Colville Indians for the cession of such portion of said reservation as said Indians may be willing to dispose of that the same may be open to white settlement.

Such a commission was appointed by the President and it negotiated an agreement with the Colville Indians on May 9, 1891, whereby, in consideration of $1,500,000 to be distributed to them per capita in five equal annual installments, the said Indians agreed to cede and relinquish to the United States all their right, title, and interest in and to what is usually called the north half of the Colville Indian Reservation, containing approximately one and one-half million acres of land, reserving to the Indians resident upon such ceded portion the right to select and hold individual 80-acre allotments therein, exempt, within the limitations prescribed by law, from taxation for any purpose. It was provided in said agreement that it should go into effect from and after it was approved by Congress.

On January 6, 1892, the President transmitted said agreement to Congress, but Congress took no action toward approving the agreement until June 21, 1906, 15 years afterwards.

However, by the act of July 1, 1892, Congress did take action with reference to the north half of the Colville Indian Reservation. In this connection I shall quote from Twenty-first Decisions of the Comptroller of the Treasury, page 765, as follows:

> The record indicates that after holding the report six months Congress took by the said act of July 2, 1892, without consideration or compensation to the Indians, what a previous Congress had sought to secure by cession from the Indians through agreement, ignoring both the substance and fact of the agreement except in so far as it seemed expedient to copy in part, without credit, the diction of the agreement in the statute enacted. The Fifty-ninth Congress appears to have taken a different view, and in the act of June 21, 1906, supra, ratified in part, or carried into effect in part, the said agreement by authorizing the setting aside of $1,500,000 in the Treasury as compensation to the Indians in full for approximately 1,500,000 acres of land proposed by said agreement to be ceded to the United States by the Indians, but taken by the said act of July 1, 1892, and restored to the public domain without compensation to the Indians.

By the act of July 1, 1892 (27 Stat. L. 62), subject to reservations and allotment of lands to the individual members of the Colville Indians, the north half of the Colville Indian Reservation, containing approximately one and one-half million acres of land, was "vacated and restored to the public domain, notwithstanding any Executive order or other proceeding whereby the same was set apart as a reservation for any Indians or bands of Indians," and was made subject by proclamation of the President to settlement and entry under the general laws applicable to the disposition of public lands in the State of Washington.

Section 3 of said act provided that an entryman of said land under the homestead laws shall pay $1.50 an acre for the land so taken in addition to the usual land-office fees.

Section 8 of the said act provides—

> That nothing herein contained shall be construed as recognizing title or ownership of said Indians to any part of the said Colville Reservation, whether that hereby restored to the public domain or that still reserved by the Government for their use and occupancy.

Section 2 of said act is as follows:

> That the net proceeds arising from the sale and disposition of the lands to be so opened to entry and settlement shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among the Indians.

The claims of Stevens and Ferry Counties, in the State of Washington, are based on section 2 of the said act of 1892 and the act of June 7, 1924, directing the payment of said claims and authorizing an appropriation for that purpose is based on said section 2.

Section 2, analyzed, stands out as follows:

1. It directs that the net proceeds arising from the sale and disposition of the lands to be so opened to entry and settlement be set apart in the Treasury of the United States for the time being.

2. It makes such net proceeds subject to such future appropriation for public use as Congress may make.

3. Until so otherwise appropriated it makes such net proceeds subject to expenditure by the Secretary of the Interior, (a) in the building of schoolhouses, the maintenance of schools for such Indians, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among the Indians; and (b) for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation.

The language of said section 2 is plain and unambiguous and it unquestionably authorizes the payment of taxes on Indian allotments out of the said net proceeds set apart in the Treasury of the United States. This is an unusual provision. The act of July 1, 1892, stands alone in the matter of carrying such a provision—no other act of Congress provides for the payment of taxes on lands allotted to Indians during the period within which such lands are exempt from taxation.

The query arises, why was such a provision embodied in the act of July 1, 1892, and also, whose money is to be used in paying such taxes? The allotted lands were exempt from taxation during the trust period. In fact, the authority to pay such taxes is limited to such allotted lands as are held in trust and exempt from taxation.

The Indians can not be compelled to pay taxes on tax-exempt lands, but if tribal or Indian funds are made available for paying taxes on tax-exempt lands of the Indians, the exemption provision is thereby nullified. The situation is the same whether the Indians are themselves forced to pay taxes on their tax-exempt lands or the Government pays such taxes for them out of the Indians' money.

The net proceeds of the sale and disposition of lands opened to entry and settlement in the north half of the Colville Reservation and out of which the payment of taxes on tax-exempt Indian allotments was authorized by section 2 of the act of July 1, 1892, to be paid was the money of the United States Government and was not tribal funds or money belonging to the Indians. Had it not been the Government's money Congress would have had no power to make other appropriations of it for public use.

By the act of 1892 Congress did not buy the north half of the Colville Indian Reservation or restore it to the public domain pursuant to agreement with the Indians, but by such act Congress vacated the Executive order establishing such reservation in so far as the north half thereof was concerned and by sheer force of its own edict took it and restored it to the public domain, affirmatively disclaiming recognition of any rights in the Indians either to the part of the reservation taken or the part "still reserved by the Government for their use and occupancy."

By the act of July 1, 1892, Congress did not authorize the payment of any money to the Indians per capita or otherwise; but from certain funds of the Government set apart in the Treasury it authorized the payment of money for the promotion of education, civilization, and self-support among them, and also for the payment of taxes on their tax-exempt lands.

The Indians did not come into the ownership of any money, tribal or otherwise, in consequence of the restoration to the public domain of the north half of the Colville Reservation until after the act of June 21, 1906, was passed authorizing the payment and distribution to them per capita of $1,500,000 in full consideration of their rights in said lands so restored. This had no connection with the net proceeds arising from sales and disposition of lands set apart in the Treasury under the provisions of section 2 of the act of July 1, 1892, and should not be confused with it. The act of 1892 gave the Secretary of the Interior no authority to pay taxes on Indian lands out of the one and one-half million dollars authorized to be paid to the Indians by the act of June 21, 1906. That money belonged to the Indians and was paid to them. Stevens and Ferry Counties had no interest in that money and would not be entitled to have their claims paid out of it, even if it were all in the Treasury to the credit of the Indians. Congress authorized the payment of taxes on tax-exempt lands allotted to the Indians out of the moneys of the Government directed to be set apart in the Treasury under the provisions of section 2 of the act of July 1, 1892. Hence the contention of the chairman of the subcommittee [Mr. CRAMTON] that such taxes were payable out of tribal or Indian funds can not be sustained.

This disposes of the first objection of the subcommittee to the inclusion of the items for Stevens and Ferry Counties in the appropriation bill as proposed in my amendment.

The second objection urged against the amendment I offered to the appropriation bill was that the act of June 7, 1924, provides for payment from public funds in the Treasury.

I admit the statement of fact, but do not admit the conclusion that such fact constitutes a ground for rejecting my proposed amendment. Section 2 of the act of July 1, 1892, authorizes the payment of taxes on tax-exempt Indian allotments from public funds arising as the net proceeds of sales under the provisions of said act of 1892. These public funds were set apart in the Treasury under the provisions of section 2 of the act of July 1, 1892, and must remain "set apart" in the Treasury "subject to such future appropriation for public use as Congress may make." Congress has never made any appropriation of said funds for any other purpose, and hence in legal contemplation the fund is still "set apart" in the Treasury because it requires an act of Congress appropriating it to some other public use to change its legal status of "set apart." However, under a decision of the Comptroller of the Treasury,

entered April 27, 1915 (21 Comp. Dec. 758), I am advised that said fund is not now "set apart" on the books in the Treasury and credited to net proceeds arising from the sale and disposition of land in the north half of the Colville Indian Reservation, but that since some time in 1915 it has been credited in the Treasury as public funds under the heading, "Sale of public lands."

To ascertain the status and amount of this fund at this time I requested such information from the Commissioner of Indian Affairs and received from him the following letter:

MY DEAR MR. HILL: Referring to your informal inquiry this date regarding the amount of the special fund credited to the Colville Indians on account of the disposal of lands within the north half of the Colville Reservation in the State of Washington, prior to the act of June 21, 1906 (34 Stats. L. 377), and the disposition made thereof, the records of the office show a total receipt of $122,034.37 carried under the title, "Proceeds of Colville Reservation, Wash."

From this amount there was expended for beneficial purposes, including purchase of cattle, $63,795.43 reimbursed to the United States on account of the expenditures from reimbursable appropriations for surveying and alloting work on the Colville Reservation, $54,518.91, and repaid to purchasers on account of the lands erroneously sold, $2,422.72, or a total of $120,737.06, leaving a balance in the Treasury this date of $1,297.31.

Regarding your inquiry as to the receipts credited subsequent to the act of June 21, 1906, supra, and the disposal thereof, a report from the Commissioner of the General Land Office submitted August 27, 1915, shows that the aggregate receipts from June 21, 1906, to August 20, 1915, amounted to $273,448.94. From this amount there was repaid to purchasers on account of lands erroneously sold the sum of $7,858.07, and the balance, namely, $265,590.87, credited in the Treasury of the United States as public funds under the heading "Sale of public lands." Reference thereto may be made by auditor's certificate No. 47412, dated December 29, 1915.

As you are probably aware, the records showing the sale of public lands are under control of the Commissioner of the General Land Office; consequently this office has no record of receipts other than as herein stated, to and including April 30, 1915.

Cordially yours,

CHAS. H. BURKE, *Commissioner.*

According to the information conveyed in the commissioner's letter there was in said fund on April 20, 1915, presumably about the time the account was discontinued as a separate fund, the total amount of $266,888.18.

I make no distinction between the moneys accruing to the "net proceeds" fund under section 2 of the act of July 1, 1892, prior to June 21, 1906, and such accruals subsequent to said last-named date, because the law makes no such distinction. Consequently there is an ample portion of the public fund in the Treasury, derived exclusively from the said "net proceeds" fund of section 2 of the act of July 1, 1892, out of which the appropriation authorized by the act of June 7, 1924, to pay the Stevens and Ferry County claims can and should be made.

This disposes of the second objection to my proposed amendment to said appropriation bill.

The third and last objection raised by the chairman of the subcommittee to my proposed amendment is that to make the appropriation for the payment of the claims of Stevens and Ferry Counties would set a precedent that might lead to an expenditure of many millions of dollars in the payment of similar claims.

I have heretofore shown the impossibility of such result. No act in the legislative history of this Government other than that of July 1, 1892, contains a provision for payment by the Government of taxes on tax-exempt Indian lands. Hence there exists no basis upon which to found such claims or such fears.

Why was the provision for the payment of taxes on tax-exempt Indian lands embodied in the act of July 1, 1892?

Congress was no doubt advised of the rough, rugged, mountainous, and isolated character of the north half of the Colville Indian Reservation when it passed the act of July 1, 1892, restoring it to the public domain. It was evident that after the Indians had selected their allotments very little land suitable to agriculture would remain and that the situation would not present an attractive prospect to white settlers. The country was almost inaccessible except by trails; there were no roads, no bridges over the rapid and dangerous streams, no mail facilities, no schoolhouses, no neighbors except semi-civilized Indians, none of the advantages of civilization were present. There were no taxable lands and very little, if any, personal property to yield taxes for the support of the local government and for the building of roads, bridges, and schoolhouses, and for the maintenance of schools.

The agricultural lands were confined almost wholly to the narrow valleys of the mountain streams and these were occupied by the Indians, and in addition to the unattractive conditions just described entrymen of the said lands were required to pay $1.50 an acre for the lands taken by them in addition to the usual land office fees, instead of having the right of free homesteads. It was not until 1903 that the lands in question were put in the class of free homesteads.

It was therefore necessary or at least advisable that some inducement out of the ordinary be held out to draw settlers to these inferior and isolated lands where the burdens of local government and the reclamation of the country from its wild and uncivilized state would bear heavily upon such settlers.

Hence the Government, as an inducement to white settlers to enter said lands, departed from its customary course in such matters and authorized the payment out of Government money of local taxes on tax-exempt Indian lands as an aid to the maintenance of the local government and the development of the country.

The Secretary of the Interior on May 16, 1921, in a report on the claims of Stevens and Ferry Counties, said:

The investigation made by the department revealed conditions in Stevens and Ferry Counties different from those surrounding any other Indian reservations or allotments, and it is believed that the facts justify a settlement of the claims.

In the same report the Secretary of the Interior said that by the terms of the act the Government encouraged settlement upon the ceded lands. And in a report by the Secretary of the Interior on December 6, 1920, referring to the provision for payment of taxes, it is said:

This departure from long-established custom, in view of the exemption from taxation of Indian allotments while held in trust by the United States, had the effect of encouraging entries upon the land opened to settlement.

Touching the question as to the reason for embodying in the act of July 1, 1892, the provision for payment out of Government moneys taxes on tax-exempt Indian lands, I desire to quote from the argument of Mr. James I. Parker, an attorney at law of Washington, D. C., before the subcommittee on Indian Affairs, at the hearings on these claims of Stevens and Ferry Counties, as follows:

There was a reason for that "departure." The topography of Stevens County is rugged and very broken; high rocky hills and mountains, deep canyons and gulches are the rule. Large areas are not suitable for any purpose. The good agricultural lands are along the larger and smaller streams. The Indian allotments in Stevens County are located in a triangle bounded by Canada, the Kettle and Columbia Rivers. The best lands of this section were allotted to the Indians, thus leaving those of less value and the waste lands open to homesteaders.

It is hard to conceive as rough a section as Ferry County inhabited by people. Seven-eighths of the entire area is mountainous, broken, and rugged. One-eighth is occupied by narrow valleys which run along the rivers and small streams. These valleys rarely have any great length, and it was in such localities that the Indians received their allotments in this county. The allotting commission had difficulty in securing sufficient agricultural land to satisfy the demands of the allottees. Extreme care, of course, was given to the selection of the allotments, and when this was completed the Indians had the cream of the surface.

About 200 of those allotments, averaging approximately 80 acres each, were in Stevens County and about 220 were in Ferry County. Congress was fully advised of the character and topography of those restored lands. Is it not reasonable to assume that, knowing that the choicest lands would be allotted to the Indians, Congress appreciated the fact that when the unallotted lands were opened to settlement and entry—which opening did not occur until October 10, 1900, more than eight years after the passage of the act of July 1, 1892, supra—they would not present a very attractive proposition to the prospective homesteaders; that in that sparsely settled country, so rugged in character, the settler would have to face difficulties, discouragements, and obstacles almost insuperable to establish a home and maintain himself and family; that under the conditions there existing it would be inequitable and unjust to put upon those homesteaders the entire burden of the local government, of building roads and bridges and schoolhouses and other public improvements from which the Indian allottees would derive as much benefit as the homesteader, and that therefore it departed from the usual rule in such cases and provided that the Indian allotments might bear their proportionate part of the burden of local taxation?

That was the situation and those the conditions which, it is believed, caused the "departure" which the Secretary of the Interior says had the effect of "encouraging entries" on the lands then opened to settlement.

The "encouragement" to settlers which that "departure" caused became stronger after the act of February 7, 1903 (32 Stats. 803). That act, in response to the free-homestead sentiment then sweeping over the public-land States, amended the act of July 1, 1892, supra, by eliminating the $1.50 per acre which entrymen were required to pay for said lands and made them a free-homestead proposition, except where the entryman commuted his entry, in which event he was required to pay the $1.50 per acre. Otherwise, the only payment required was the usual land-office fees. It will readily be seen that when coupled with a free-homestead proposition the "encouragement" to settlers which that "departure" caused was tremendously strengthened.

The favorable recommendation of the Secretary of the Interior on December 6, 1920, was largely based on "the fact that by the terms of the act" (July 1, 1892, supra) "the Government encouraged settlement upon the ceded lands."

That statement was quoted by the Secretary of the Interior in and made a part of his favorable report of May 16, 1921. That report of May 16, 1921, says, referring to the report of the Indian inspector who made the field investigation of the claims:

"His report and recital of facts * * * indicated * * * that the provision in the act of 1892 with regard to payments was an inducement to settle on the lands."

These claims are just, equitable, and legal and should be paid, and provision for such payment should be made in said appropriation bill. My proposed amendment to said bill should have been adopted.

These claims have been thoroughly investigated by the Department of the Interior and have been approved by three different Secretaries of the Interior. They have been twice approved by the Senate Committee on Indian Affairs and twice passed by the Senate; they have been approved by the House Committee on Indian Affairs and passed by the House. An appropriation therefor was approved by the Director of the Budget and should be approved by this House.

I here refer to the reports of the Department of the Interior touching these claims, of date February 5, 1924, May 16, 1921, and December 6, 1920, respectively, and hereby incorporate them in my remarks:

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1924.

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: The receipt is acknowledged of your request dated January 2, 1924, for report on H. R. 1414, Sixty-eighth Congress, first session, entitled "A bill to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes."

The claims of Stevens and Ferry Counties are based upon section 2 of the act of July 1, 1892 (27 Stat. L. 62), and no objection will be made to the enactment of H. R. 1414 into law.

The provisions of the bill are identical with H. R. 5418, Sixty-seventh Congress, first session, a favorable report upon which was made to your committee on May 16, 1921, in which reference was made to a report dated December 6, 1920, to the President of the Senate on paragraph 22 of the Indian appropriation act approved February 14, 1920 (41 Stat. L. 408, 432). These reports contain in full the reasons for favorable action.

Very truly yours,

HUBERT WORK.

The reports referred to in the Secretary's communication are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 16, 1921.

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: I have the honor to refer further to your letter of April 27, 1921, inclosing and requesting a report on H. R. 5418, Sixty-seventh Congress, first session, entitled "A bill to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes." This bill is identical with S. 1168, introduced on the same date.

The claims of Stevens and Ferry Counties are based on the act of July 1, 1892 (27 Stat. L. 62), which act provided that the net proceeds arising from the sale of the north half of the Colville Reservation, in these counties, containing approximately 1,500,000 acres of land, ceded by the Indians and restored to the public domain, should be—

"SEC. 2. * * * set apart in the Treasury of the United States for the time being, but subject to such further appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time in such amounts as he shall deem best in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians."

The ceded land was opened to homestead entry on October 10, 1900, by presidential proclamation of April 10, 1900.

The act of 1892 provided that in addition to the fees required by law each homestead settler should pay $1.50 per acre. This act was amended by the act of February 7, 1903 (32 Stat. L. 803), which provided that settlers under the homestead laws who resided upon the tracts entered in good faith for the period required by existing law should be entitled to patents without any payment other than the customary fees—

"*Provided*, That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect: *Provided, however*, That all sums of money so released which if not released would belong to any Indian tribe shall be paid to such Indian tribe by the United States, and that in the event that the proceeds of the annual sales of the public lands shall not be sufficient to meet the payments heretofore provided for agricultural colleges and experimental stations by an act of Congress approved August 30, 1890, for the more complete endowment and support of the colleges for the benefit of agricultural and mechanic arts established under the provisions of an act of Congress approved July 2, 1862, such deficiency shall be paid by the United States: *And provided further*, That no lands shall be herein included on which the United States Government had made valuable improvements, or lands that have been sold at public auction by said Government."

Payment for the land ceded was made under authority of the act of June 21, 1906 (34 Stat. L. 377), which provided that—

"* * * There shall be set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress and payment to said Indians, in full payment for 1,500,000 acres of land opened to settlement by the act of Congress 'To provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes,' approved July 1, 1892, the sum of $1,500,000." * * *

Claims by Stevens and Ferry Counties were first filed in 1915, but were disallowed, without a decision on their merits, for the reason that the money had been appropriated and expended on behalf of the Indians.

In a report dated January 23, 1920, on S. 617, Sixty-sixth Congress, first session, authorizing and directing the Secretary of the Interior to determine what taxes, if any, were due, and making appropriation for payment, this department expressed the belief that he already had authority to make the investigation directed in section 1 of the bill, but had no objection to its enactment.

The Indian appropriation act of February 14, 1920 (Public 141, 66th Cong., 2d sess.), contained the following paragraph:

"The Secretary of the Interior is authorized and directed to investigate and report to Congress, on or before the first Monday of December, 1920, as to the right of Stevens and Ferry Counties, in the State of Washington, to the payment of taxes on allotted Indian lands under existing law, and to state the amount, if any, to which each of said counties is entitled."

In accordance with the above provision an Indian Office inspector made a thorough investigation of conditions on the north half of the Colville Reservation, visiting all accessible parts of the same. His report and recital of facts in connection with improvements in roads, bridges, and schools indicated that expenditures were greater than these counties would have made except for the belief that the Secretary of the Interior would recognize their equitable rights to be paid money by the Government in lieu of taxes by individual allottees, and that the provision in the act of 1892 with regard to payment was an inducement to settlement on the lands.

A report was made on December 6, 1920, by the then Secretary of the Interior to both Houses of Congress and to the chairman of the Committee on Indian Affairs. With the letter to the chairman of the Senate committee was inclosed the report by the Indian Office inspector, and the same has not yet been returned. The report to Congress required by the above-mentioned paragraph in the Indian appropriation bill of February 14, 1920, contained the following recommendation which has been included in S. 1168 and H. R. 5418:

"In view of the fact that by the terms of the act the Government encouraged settlement upon the ceded lands; that the Indians have shared in the benefits of the improvements made by the white people; that these improvements have also enhanced the value of the Indian holdings, and that the Government must necessarily use the roads and bridges in entering and returning from its own property in these two counties, the department recommends that an appropriation be made of the amounts claimed and that the same shall be paid to the respective counties, subject to any deductions that may be made on account of payments for Indian tuition and for any amounts where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands."

In addition to the 1,500,000 acres ceded, the counties of Stevens and Ferry contain 1,535,840 acres, a total of 3,035,840 acres. Of these approximately 1,274,390 acres are taxed and 1,761,450, or more than 58 per cent, are not taxed. These nontaxable lands include Government and State as well as Indian lands. The assessed valuation (50 per cent) in 1919 was $2,091,478. In both counties the most valuable lands were allotted to Indians.

The two counties are reported to have made 3,016 miles of roads at an expense of $449,169.83, and many improvements have been made and labor expended by voluntary aid. The Government has expended little in construction of roads in the south half of Ferry County and nothing in the north half. Both counties have assisted the Government in the construction of roads through two forest reserves. Because of the topography of the country, road construction is costly, and the money is reported to have been well spent.

Stevens County has spent $19,298 in erecting bridges. Ferry County has erected several steel bridges, but the cost has not been reported.

Many of the roads are adjacent to allotments, and the Indians use all roads and bridges, and these improvements increase the value of their holdings.

The schools are open to the Indian children. Tuition has been paid in some cases, but under the provisions of this bill the amount paid would be deducted.

The investigation made by the department reveals conditions in Stevens and Ferry Counties different from those surrounding any other Indian reservations or allotments, and it is believed that the facts justify a settlement of the claims.

The department has no objection to the enactment of H. R. 5418.

Respectfully,

E. C. FINNEY, *Acting Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, December 6, 1920.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: Paragraph 28 in the Indian appropriation bill approved February 14, 1920 (Public, 141, 66th Cong., 2d sess.), provides that—

"The Secretary of the Interior is authorized and directed to investigate and report to Congress, on or before the first Monday of December, 1920, as to the right of Stevens and Ferry Counties in the State of Washington to the payment of taxes on allotted Indian lands under existing law, and to state the amount, if any, to which each of said counties is entitled."

In pursuance of the foregoing I have the honor to submit the following report: This report is based on information contained in official records and from data procured by an official inspector assigned to duty for that purpose.

Claims have been presented by Stevens and Ferry Counties, Wash., aggregating $44,309.67 and $71,458, respectively. These claims are in lieu of taxes which would have been assessed against the allotments of Colville Indians in these counties from 1901 to 1920, inclusive, and are based on section 2 of the act of Congress of July 1, 1892 (27 Stats. L. 62–63), providing for the opening of a part of the Colville Reservation, which reads as follows:

"That the net proceeds arising from the sale and disposition of the lands to be so opened to entry and settlement shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians."

This departure from long-established custom, in view of the exemption from taxation of Indian allotments while held in trust by the United States, had the effect of encouraging entries upon the lands then opened to settlement.

The first claim was submitted on October 29, 1915, by the county of Ferry. On November 22, 1915, the Board of Commissioners of Ferry County was advised that the provisions of the act of July 1, 1892, had been superseded by the act of June 21, 1906 (34 Stats. L. 325–377), under which appropriations aggregating $1,500,000 were made by Congress for the said lands ceded to the Government by the Indians of the Colville Reservation; that the question as to what funds arising under the acts mentioned were available for expenditure for the benefit of the Indians had been submitted to the Comptroller of the Treasury, who, in a decision rendered April 27, 1915, held that all moneys arising from the sale of said ceded lands since June 21, 1906, belong to the United States, and not to the Indians of the Colville Reservation; that there did not appear to be any balance remaining to the credit of the Indians from sales made prior to June 21, 1906; and that there seemed to be no way under existing law by which the claims submitted could be paid. A similar claim was filed later in the year by Stevens County, Wash., and the same reasons for nonpayment existed.

On February 8, 1918, the following bills were introduced in the Senate: S. 3788, entitled "A bill to pay certain taxes in the county of Stevens, State of Washington," and S. 3789, entitled "A bill to pay certain taxes in the county of Ferry, State of Washington."

In the report on Senate bill 3789 this department referred to and inclosed a copy of a letter of April 1, 1918, making an unfavorable report on Senate amendment to H. R. 8696 (then the pending Indian appropriation bill), the provisions of which amendment were identical with Senate 3789. In a report on the amendment the department stated that while the same should not receive favorable consideration, the claims against the Government might properly be heard and adjudicated by the department, and the draft of a bill was inclosed which was identical with Senate bill No. 617, Sixty-sixth Congress, first session, which provided for the payment of $68,511.38, or so much thereof as might be necessary in settlement of the claims of both counties. The department stated that it has no objection to the enactment of Senate 617. None of the aforementioned bills was enacted, but the provision in paragraph 28 of the Indian appropriation bill approved February 14, 1920, directed an investigation and report to the Congress.

The total area of Stevens County is 1,595,840 acres. Of this area 1,081,890 acres are taxed and 513,950 acres not taxed. The nontaxable land is the Colville National Forest, State land, Indian reservation land, and other Government land. The Indian allotments are in the best section of the county, and those of less value and the waste land are open to homesteaders. This makes the cost of building roads and bridges and maintaining the same a great burden upon the taxpayers, and the benefits of the improvements are shared equally by the Indians. In that part where the Indians are located there are 145½ miles of road built wholly by the county at an initial expense of $14,835.

The entire area of Ferry County is 1,440,000 acres. The total area assessed and taxed is 192,500 acres. The area included in Indian allotments, United States forest reserves, and State lands is 1,247,500 acres. The allotments in the ceded portion are the best lands in the county, 75 per cent of the allotments being agricultural and 25 per cent grazing or timber land. Ferry County expended from March, 1899, to January, 1920, the sum of $352,412.73 for roads. A very small amount has been paid to the Indians for rights of way. Ferry County has built eight permanent steel bridges, four of which were in conjunction with Stevens County, across Kettle River.

Indian children are allowed to attend the public schools in both counties, although tuition has been paid by the Government for some; but if these two claims are allowed, the amounts paid as tuition should be deducted.

In view of the fact that by the terms of the act the Government encouraged settlement upon the ceded lands; that the Indians have shared in the benefits of the improvements made by the white people; that these improvements have also enhanced the value of the Indian holdings; and that the Government must necessarily use the roads and bridges in entering and returning from its own property in these two counties, the department recommends that an appropriation be made of the amounts claimed, and that the same shall be paid to the respective counties subject to any deductions that may be made on account of payments for Indian tuition and for any amounts where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands.

A copy of schedules of claims by the counties of Ferry and Stevens, the reports of the auditors of these counties for the year 1919, and the report of the inspector are inclosed with the report to the Senate Committee on Indian Affairs for the convenience of the committee, and their return to this department is requested.

Cordially yours,

JOHN BARTON PAYNE, *Secretary.*

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. KELLY. Mr. Chairman and gentlemen of the committee, I asked for time, and was courteously granted it by the gentleman from New York [Mr. MAGEE], in order to discuss postal finances, a question which is of great interest and importance at this time.

You will remember that in the consideration of the postal pay bill there was involved the expected report of the cost ascertainment committee of the Post Office Department. This committee and the Joint Commission on Postal Affairs were granted appropriations of almost a million dollars by Congress for the purpose of determining the cost of carrying the various classes of mail matter and the expense of performing the various services for postal patrons.

Within the last week a partial report summarizing the findings of the committee has been put in the hands of members of

the Post Office Committee. With this summary was included an appendix containing 180 pages of statistical tables showing revenues and expenditures for each item and the method of apportioning costs.

These tables are extremely complicated and will require careful analysis in order to determine the trustworthiness of the calculations. One thing, however, is conclusively proved by the results of this study, and that is that postal salaries and postal rates are two entirely separate and distinct problems. In all the history of the Postal Service they never have been dealt with in the same measure and that procedure is founded on common sense and every proper consideration.

As to the postal salaries there is no difference of opinion anywhere in regard to the proper policy. Every right-thinking American and every Member of this Congress believes that the workers, who make the Postal Service possible, are justly entitled to a living wage. It is universally agreed also that a conservative definition of a living wage would be compensation equal in purchasing power to that received in 1913, before the World War chaos, to price levels.

Exactly that policy is formulated in the postal salaries bill passed by the practically unanimous vote of Congress. That measure, with the veto of the President, now awaits the action of the Senate, and, if reenacted there, the action of the House.

With that measure reenacted into law the problem of postal compensations will be settled permanently on a fundamentally just basis.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLY. I would rather not yield at this time.

Mr. BLANTON. I would like to ask the gentleman a question at this time.

Mr. KELLY. I will yield for a question.

Mr. BLANTON. The gentleman took quite a part in helping to pass that bill and I followed him, because I thought it was a just bill. If it is so just and all Congressmen are in favor of it, then why is it being held up now and not passed into law?

Mr. KELLY. I certainly hope it will be reenacted at the earliest moment possible. It was a just and righteous measure in June and it is just and righteous in December.

But, Mr. Chairman, when it comes to the proper policy for securing necessary revenues for the Postal Service there are wide differences of opinion, honestly held by different individuals and groups.

The summary of the cost ascertainment committee only emphasizes the necessity of formulating a fundamental policy as to our Postal Service rates.

As given out by the Post Office Department, that summary is as follows:

Statement showing recapitulation of allocations and apportionments of revenues and expenditures for the fiscal year 1923, shown in Table A, according to the classes of mail matter and special services, and the loss or gain on each

Classes of mail matter and special services	Revenues	Expenditures	Loss	Gain
Paid first class	$271,894,051.49	$191,476,335.17		$80,417,716.32
Second class	31,214,425.47	105,927,294.14	$74,712,868.67	
Third class	43,844,940.77	60,136,516.25	16,291,575.48	
Fourth class	120,649,662.42	127,566,416.24	6,916,753.82	
Franked matter		357,819.45	357,819.45	
Penalty matter		6,214,131.44	6,214,131.44	
Free for blind		27,315.29	27,315.29	
Foreign	12,871,746.89	17,591,003.59	4,603,838.17	
Receipts foreign mail transit	115,419.03			
Money order	11,601,425.82	21,141,936.99	9,540,511.17	
Registry	8,005,579.20	18,379,593.01	10,374,013.81	
Postal savings	5,409,504.00	708,092.95		4,701,411.05
Special delivery	8,175,648.33	8,297,645.67	121,997.34	
Insurance	7,185,771.14	8,331,730.60	1,145,959.46	
Cash on delivery	4,079,143.35	5,904,580.74	1,825,437.39	
Treasury savings		221,809.28	221,809.28	
Total	525,047,317.41	572,282,220.81	132,354,030.77	85,119,127.37
Loss, excluding unassignable and unrelated items			47,234,903.40	
Less unassignable revenues	7,773,776.74		7,773,776.74	
Net loss, excluding unrelated			39,461,126.66	
Unrelated	1,592,077.63	1,936,653.15	344,575.52	
Grand total	534,413,171.78	574,218,873.96	39,805,702.18	

Now, Mr. Chairman, this report states that every class of mail matter except first class is handled at a loss. It indicates that every service except postal savings likewise operates at a loss. Balancing gains against losses shows a total excess of expenditures over revenues amounting to over $39,000,000.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. WILLIAMSON. Are the figures you are presenting here the figures which have been obtained by the investigation conducted by the Post Office Department?

Mr. KELLY. Yes; by the cost ascertainment committee of the Post Office Department. This is the official summary.

Mr. WILLIAMSON. This is not a congressional committee, as I understand it, but a committee organized in the Post Office Department?

Mr. KELLY. This is a Post Office Department committee for which Congress appropriated the funds necessary.

Now, of course, it is evident that all these results depend upon the methods used in apportioning expense.

For instance, it is almost inconceivable to me that the handling of fourth-class mail, which comprises 60 per cent of the volume and brings in only 20 per cent of the revenue, should show a loss of only $6,000,000, or 5 per cent.

Mr. MAGEE of New York. Will the gentleman kindly state when that report was submitted by the cost ascertainment committee?

Mr. KELLY. The entire report has not yet been submitted. This summary and appendix were available on Tuesday of last week.

Mr. WILLIAMSON. Is the report yet in print?

Mr. KELLY. No; the complete report is not printed as yet, but is expected next week.

Mr. Chairman, the figures given compel a decision as to postage rates, but they do not involve the justice and the necessity of a living wage for postal workers.

Two courses of action are possible in fixing a policy for postage rates. First, make every class of mail matter and every special service pay its own way—that is, fix postage rates so that the revenues from each class and service shall balance the expenditures they make necessary.

Second, let certain classes and services pay excess rates sufficient to equalize the loss on others, on which the public may benefit from low rates.

These two policies are radically different, and yet either one can easily be made to produce revenues to make the Postal Service self-sustaining.

If we adopt the first policy, it would involve the lopping off of postal facilities which do not pay for themselves. The Rural Free Delivery Service is a repudiation of the profits idea in the Postal Service, for it has been losing large sums since its establishment. This service meant a loss of $40,000,000 in 1923, or the entire deficit shown by the cost-ascertainment report.

Franked and penalty matter also mean a complete loss in revenues, and will continue to do so as long as Government departments and officials are permitted to send mail matter without postage payment.

If first-class mail should pay its own way, the 2-cent postage rate could be cut to 1¼ cents.

Under such a policy second-class rates would have to be raised an average of 250 per cent. Third-class rates would be advanced 40 per cent and fourth-class or parcel-post rates would be advanced 5 per cent.

The other special services would have to be advanced in due proportion to make them self-sustaining.

Now, of course, it is possible to formulate a bill on that basis and fix specific rates based on the findings of the cost ascertainment committee. Every student of postal affairs, however, knows that it is impossible to expect any revenue at all from rates which are higher than those of private means of transportation and distribution.

Then there is the second policy, that of having an excess in revenues from certain classes in order to cover losses from other classes. That compels a decision as to the classes which shall be favored and raises another question of policy.

I am calling these points to your minds in order to suggest the issue involved in postage rates and to prove that they are in no way related to the question of just postal salaries.

Then there is another consideration. The marvelous ability of the Postal Service to take on new business without proportionate increase in expenses makes it possible to fix postage rates at a lower point than these figures indicate.

On September 23, 1924, Postmaster General New made a speech at the postmasters' convention at Indianapolis, and made a statement which is eloquent, it seems to me, as to this feature of the Postal Service. He declared that the increase in postal

receipts for three years since July 1, 1921, was $188,000,000. He further states that to bring in that $188,000,000 additional revenue it required 1,459 railway mail clerks, 5,297 city carriers, and 9,479 post-office clerks.

When I saw that statement I was interested and went back to our postal records to 1907, when the entire revenues of the Postal Service amounted to only $183,000,000, the total being less than the increase for the past three years. I discovered the number of employees necessary to handle $183,000,000 of revenue in 1907. Here is what they were: There were 25,243 clerks, there were 24,577 letter carriers, there were 14,027 railway mail clerks in 1907, and all these combined only handled mail producing revenues of $183,000,000. Take all the employees of 1907, paying them at the low salary they received, less than $900 a year on an average, and the total wage cost was $59,000,000. The additional employees to-day, handling an increase of $188,000,000 and paid the $300 increase provided for in the postal salary bill, would receive only $34,000,000. So that even at the proposed increased scale of salary the result is an expenditure of a little over one-half of what it cost in 1907. That is one of the marvelous things about this greatest business in the world. The fixing of postage rates must take it into account.

Mr. MAGEE of New York. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. MAGEE of New York. Is it the purpose of the committee to make a report soon?

Mr. KELLY. We propose to take action as soon as we get the report complete and when we know the revenues needed.

Mr. MAGEE of New York. I am very glad to hear it.

Mr. HUDSPETH. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. HUDSPETH. I understand officially that the bill for raising the salary of postal employees will be brought up in the Senate next Thursday. If that should pass in the Senate over the President's veto, is it the purpose of the gentleman from Pennsylvania or his committee to immediately call it up in the House?

Mr. KELLY. I shall do everything in my power to have it considered at once in the House. I believe that justice demands its immediate reenactment into law.

Mr. LAZARO. Will the gentleman yield?

Mr. KELLY. I yield to the gentleman.

Mr. LAZARO. The gentleman recalls that when the postal employees' bill was up for consideration a report went to the country and was spread through the country newspapers saying that the increase in wages for the employees of the Postal Service would bring an increase of the parcel-post rates. Was not that propaganda to prejudice the people against the increase of salary bills?

Mr. KELLY. That and other propaganda was sent out wholesale in order to prejudice certain groups and interests against the proposed salary increase.

Mr. LAZARO. And the bill does not contain a single line increasing the rates on parcel post?

Mr. KELLY. Not a single line. I have had many letters from men who make the statement that the parcel-post rates would be increased 50 per cent in the postal salary bill. There is not a single word in the bill on rates, and there has never been a postal compensation bill linked up with a postal rate bill, and there never should be.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. KELLY. I yield to the gentleman from New York.

Mr. LAGUARDIA. While on the subject of parcel post and second-class matter, will the gentleman give the figures as to the cost of free-in-county delivery of second-class mail.

Mr. KELLY. I do not have that segregated in this summary at hand.

Mr. LAGUARDIA. That is quite an item, is it not?

Mr. KELLY. Not so great as one might think, although it does enter into the loss on second class.

Mr. LAGUARDIA. Is not this report which the gentleman has a full and complete answer to the objections that were raised to the increased salary bill?

Mr. KELLY. Well, we have the figures here and they will form the basis for action on postage rates. There never has been a well-founded objection to paying the faithful and efficient postal workers a living wage.

Now, Mr. Chairman, this is the first report of its kind which we have had in the Postal Service. The Penrose Commission of 1907 did get some figures. They were repeated by the Hughes Commission of 1911, but between 1911 and 1924 there has been no real inquiry as to the cost of carrying these classes of mail matter. This report is voluminous and exhaustive. It has figures based on 559 post offices out of 51,258 post offices. It is a weigh and a count tabulation for 30 days. There are many opportunities for errors as anyone can see, but the report will give us a basis, and we can undertake to go ahead and get an adjustment of postage rates which I hope will be based on the fundamental policy that the Postal Service is dedicated to the service of the American people.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. KELLY. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. Mr. Chairman, is it not a fact that notwithstanding the propaganda that went through the country in favor of increasing the rates on parcel post to make up any deficiency that might occur, the recent statement of the Postmaster General shows that in the last fiscal year there has been a deficit of only $6,000,000 on parcel post. It lacks only that much of paying its own way.

Mr. KELLY. Not in the Postmaster General's report, but in this report on cost ascertainment.

Mr. KINCHELOE. Well, it is from the Post Office Department.

Mr. KELLY. Yes. Six million dollars is given here as the loss on parcel post. However, on the 15th of August, the Post Office Department sent out in the Postal Bulletin to every post office in the country a draft of legislation for postage rates in which they undertake to raise $30,000,000 on parcel post. That was the department's suggestion.

Mr. STENGLE. Mr. Chairman, will the gentleman yield?

Mr. KELLY. Yes.

Mr. STENGLE. A few minutes ago in the gentleman's earlier remarks he drew a comparison between 1907 and the present year, in respect to the volume of business done by the department. If I recall, he spoke of $183,000,000 worth of mail that had been handled by a certain percentage of the employees.

Mr. KELLY. By all of the employees.

Mr. STENGLE. Is it possible for the gentleman to put into the RECORD at this time the number of postal employees, including clerks and rural carriers, who have been driven to death and disabled by overwork during that period.

Mr. KELLY. I am afraid that that would have to come from some other source. I could not make a table of that, although I will say that sometimes that speeding-up process has gone the limit, and without doubt it is partial explanation of how a comparatively few men could take care of $188,000,000 of revenue, when the entire postal personnel in 1907 only took care of $183,000,000. There have been the speeding-up process, and the so-called efficiency methods, which have added practically double burdens to every employee. But the employees are willing to do all that mortals may do in making the Postal Service efficient. They have carried every single increase of salary from 1907 to the present time. There has been scarcely a change in postage rates, because the only changes we have made in 40 years were those made on second-class matter. These employees have taken these expenditures for increased salaries and by that speeding up and increased efficiency they have absorbed every dollar of it. The deficit for the last year is about $24,000,000. The deficit for 1920 was about that same amount, so that they have taken the entire reclassification act of 1920 and have absorbed it by increased effort and work and efficiency. More than that, they will do the same in the future.

Mr. BURTNESS. Has the gentleman analyzed the figures sufficiently so that he could give us the percentage of increase that would be required in the various classes of mail now showing a loss?

Mr. KELLY. Yes. I gave that a few moments ago. On second-class matter there would have to be an increase of 250 per cent, and on third class 40 per cent, and on the parcel post 5 per cent. That, of course, is based solely on the cost-ascertainment report.

Mr. Chairman, I believe that any Member of Congress who has had any experience with legislation during the short session will agree that it is impossible to analyze the cost-ascertainment report and adopt a general revision of postage rates before March 4.

We might be able to draft and enact a measure making temporary increases to cover a large part of the expenditures in the postal salaries bill and then in the next Congress formulate a schedule of permanent postage rates. In view of the fact that those rates affect every business in America the question is deserving of as careful consideration as has been given the postal pay bill.

Let us do one thing at a time. Let us adopt finally the policy in postal salaries which is embodied in the measure

now awaiting final consideration. Then we may at once proceed to such just and scientific revision of postage rates as shall meet the proper expenditures of the Postal Service.

What is the exact situation as to the postal salaries bill?

Early in the last session several postal reclassification bills were introduced. One sponsored by myself was introduced and referred to committee on December 20, 1923. The same bill was introduced in the Senate by Senator EDGE on January 10, 1924.

In February it was decided to hold hearings on all the measures before a joint subcommittee of the House and Senate Post Office Committees. These joint hearings were held March 3 to 10, inclusive, and more than 300 witnesses and representatives of the Post Office Department were heard.

The Post Office Department submitted a draft of provisions for postal salaries and postage rates on April 7.

The joint committee deliberated on all the measures and submitted their draft of legislation on April 30.

The House Committee on the Post Office and Post Roads went over every line of the proposed bill and made changes according to its best judgment. This revised bill was favorably reported by a vote of 20 to 1 in the committee.

The Senate passed the bill as reported on May 27 by a vote of 73 to 3. When brought before the House the bill was amended to conform with the House bill, and then was sent to conference.

The differences were compromised and the conference report passed the Senate on June 5 and the House on June 6 by a vote of 361 to 6. The measure was sent to the President and was returned with his veto on June 7.

Upon the final action will depend whether this question of postal salaries is to remain a vexing, unsolved problem for an indefinite period or be permanently settled on a basis of common business sense and self-respect.

Through the Postal Service the entire industrial and business world carries on its affairs. It is essential for the success of every business enterprise that postal employees be capable and efficient.

Every sensible person knows that anxiety and worry and discontent are foes of efficiency. Labor to a man suffering from such handicaps is sheer drudgery. When a worker is face to face with the fact that his wages will not cover necessary expenses it gives rise to a strained, tense, and abnormal state of both mind and body.

As Ordway Tead, of the Bureau of Industrial Research of New York City, has observed:

> It goes without saying that unless wages are at the very least enough to provide a decent standard of living there can not be interest in the work.

Every American wants an efficient Postal Service and resents any action which will hamper and hinder that efficiency. By reenacting this law we can increase postal efficiency by proving that just treatment is assured to every worker who chooses this vital service as a life occupation.

Of course, for those who make and mold the Postal Service the decision of this question is of supreme importance. Their wages dictate their living conditions. Involved in this wage problem are hardships and unjust burdens on one hand and a fair livelihood for them and their families on the other.

The postal salaries measure provides only that the compensation of these faithful public workers should be brought back to the level of 1913. No legislation ever had more careful consideration by committees of Congress. It has been passed by a practically unanimous vote in both Houses.

The President exercised his constitutional right to negative any bill passed by Congress. His message raised no new question, and every objection contained in it had been given thorough consideration before the bill was passed originally.

What then is the duty of the legislative branch of the Government? President Coolidge has himself pointed it out in clear-cut fashion. In 1920 while a candidate for vice president, in an address delivered at Middleboro, Ky., he said:

> Conscious of our great heritage, aware of our grave duties, determined to preserve our liberties, we insist that our duties shall hold fast to the provisions of our Constitution. Therein is our faith. We demand that it shall function as it was designed to function, its three coordinate branches moving within their respective orbits as defined by the Constitution, free from invasion by one into the power and authority of the other, and each and all responsible only to the people.

This situation could not be better stated—Congress is responsible only to the people. No one can doubt the result of a national referendum on the question of increase of salaries for postal employees. The people have shown by every method in their power that they favor an increase in pay for these faithful workers. The simple statement of the facts during the past year has been convincing proof to all, that the postal worker is not receiving what he earns nor what he needs in order to support his family.

Mr. Chairman, let us review the opposing arguments which have been advanced during the entire consideration of the postal pay bill and in the veto message.

It is declared that three adjustments of postal salaries have been made since 1918 and that a large percentage of increase has been granted since 1907.

These statements would lead one to believe that postal employees had been granted all they could reasonably ask. They imply that postal pay has met the increased cost of living and now compares favorably with the compensation paid workers in other industries. As for using the year 1907, it might as well have been 1887, which would have shown even greater percentages of increase.

In his Labor Day speech September 1, 1924, President Coolidge said:

> I find that the cost of living for the average family for the same standard of living has been falling since the high point was reached in 1920 and is now in terms of money 69 per cent above the level of 1913.

Stripped of all confusion then, the facts are that the maximum pay of postal clerks and letter carriers in 1913 was $1,200 a year. To-day, after all the piecemeal legislation referred to, it is $1,800 a year. That is an advance of 50 per cent, while to-day the cost of living is 69 per cent higher than in 1913. That leaves the postal employees in exactly the position they would have been had prices remained the same, while Congress reduced their salaries.

Postal pay has always been poor pay at best. Still, never since 1913 has the pay of postal employees been as great in purchasing power as it was in that year. That is the only just way to compute wages, and based on real value the postal worker who received $1,200 a year in 1913 is to-day only receiving $1,080.

Of course, that leaves all the deficits of past years to be met by the employees. We hear a great deal about deficits in the Post Office Department. It is worth while to think of the deficits borne for 10 years by these faithful workers. They must carry the debts contracted during these years because their pay would not provide the necessaries of life for themselves and their families.

It is possible to figure just what the loss has been because we know the salaries paid and the percentage of increased costs in living.

Let us take the Railway Mail Service for illustration.

The maximum salary of a distributer in 1913 was $1,500, and not a cent was added to it until the fiscal year 1919. During those years the cost of living mounted skyward. To keep the pay of these railway mail clerks, who form the backbone of the postal system, at exactly the same purchasing power as during 1913, would have required $1,590 more than they received.

In other words, during those years to 1919 these employees actually lost $1,590 in pay based on the scale of 1913.

During the fiscal year of 1919 they received an increase of $200 a year while the cost of living jumped to a point 83 per cent higher than in 1913. Counting this makeshift increase, these employees were $1,055 behind their 1913 pay for that single year.

For the year 1920 they received a salary of $1,925, another of those laws of emergency. This did not cover the increase in the cost of living for that year alone, to say nothing of the previous years. In fact these workers for 1920 were $1,156 behind their 1913 pay, judged by the purchasing power of their money.

Then in 1921 came the reclassification law which fixed the pay of these workers at $2,150. They received it for 1921, 1922, 1923, and 1924, and it represented an increase of 43 per cent over their 1913 salary. The cost of living varied during those years from 83 per cent to 70 per cent higher than in 1913. There was an actual loss in purchasing power since the reclassification act went into force of $1,766.

What do these facts mean? Simply that each one of this class of postal employees has lost $5,568 in the purchasing power of his pay since 1913. He would have had to borrow and spend that sum of money in order to live on the same scale he did in 1913.

Many have borrowed and many more have stinted themselves and their families; they have taken outside jobs and have put other members of their families to work.

They have been forced to such un-American privations and sacrifices and it is the height of injustice to argue against a measure bringing their pay back to the 1913 level, on the ground that they have had three increases of pay.

It does not matter if they have had 50 increases. It is not a question of percentage of increase in 17 years. The only question is "Has their pay meant a living wage?" We know that the cost of living has decreased since 1920, but in that year the cost of living was 114 per cent above 1913 while the railway mail clerk received an increase of 43 per cent only.

Their pay was certainly not excessive in 1913. To-day it will buy $400 less goods than it bought in that year. That situation demands remedy and the vetoed bill proposed to give it.

Then what has been the course of the compensation paid workers in private employment during the period of 1913–1924?

The Bureau of Labor Statistics states that the weekly wages of union workers in all industries are 99 per cent higher than in 1913 while the hourly rate is 118 per cent higher.

The railway mail clerk I have mentioned receives 43 per cent more than in 1913. The letter carrier and post-office clerk receive 50 per cent more than in 1913. If these latter classes received the same increase as the workers in private employ they would be getting $2,600 a year. The vetoed bill gives them $2,100.

Is there any good reason for grinding faithful public servants down to a level far below that attained by workers in private industry? Has not President Coolidge himself said:

> Public business is transacted on a higher plane than private.

Should not Uncle Sam then, as an employer, set the example in paying a living wage, rather than lagging far behind private employers? Certainly if this Government can not pay a living wage to postal workers it has not the right to operate post offices.

Mr. Chairman, it is further argued that these increases have resulted in the expenditure of $450,000,000, proving the generous treatment postal employees have received.

Since when have the wage increases in every industry in America, made necessary by the World War, become acts of generosity?

The anthracite coal miners in 1920 alone were given an increase of 65 per cent, more in one year than postal employees in 10 years, but I have never heard that act cited as proof of the generosity of the coal barons.

The wages of all workers in all building trades were 105 per cent higher in 1923 than in 1914, but the increases were not solely due to the generosity of the builders and contractors.

Judged on that basis the boot and shoe manufacturers are the greatest exponents of generosity in America. Their workers of all classes were getting 113 per cent higher wages in 1923 than in 1914. These workers did not depend on acts of Congress. The cost of living went skyward and their employers simply met the conditions, and as a matter of course raised wages to correspond with the prices of food, shelter, and clothing. No one dreams of calling such an attitude "generosity." It was simply common-sense methods of doing business.

Of course, a lump sum like $450,000,000 by itself is calculated to shock any believer in economy and efficient administration. It is not so shocking, however, when one stops to remember that an increase of only $1 a day to 300,000 workers would reach the sum given.

Who paid that great sum? Not the taxpayers of the United States, for the deficit they paid out of the General Treasury was wholly included in the advanced costs of railroad transportation, supplies, rentals, light, and fuel. Take these increases out of the postal budget and there would have been a surplus instead of a deficit.

These increases have been at a still more "generous" percentage than postal wages. Railroad transportation went up 67 per cent between 1914 and 1923. Rent, light, and fuel advanced 145 per cent between those years, and supplies were 88 per cent higher in 1923 than in 1914.

Who paid that $450,000,000 to postal employees? Not the users of the mails in increased postage rates, for there have been no increases since 1914 save in second-class rates, and this makes up but a small part of postal revenue.

No, this entire amount was paid by the postal workers themselves through increased efficiency and speeding-up methods. Clerks and carriers and railway-mail clerks do to-day 50 per cent more work than they did in 1914. They are the ones who took this added wage cost upon their shoulders and carried every cent of it. If there is any generosity to be found in the transaction, it is the generous way in which postal employees undertook added labors in order to make the Postal Service the mightiest agency in America for the promotion of common welfare at the cheapest postage rates in the world.

Mr. Chairman, it is further argued that the salaries of certain classes of clerks in the departments in Washington show a less average annual pay than postal employees.

This is a meaningless comparison. To arbitrarily pick out a group of Government employees and say that the average is less than that of postal employees is not illuminating, to say the least.

How many of the group selected are girls just out of school and how many are mature men supporting their own families? What has been the experience and training of those so selected for comparison? What kind of work do they perform for the Government? All these questions and more must be answered before there can be comparison of their pay with that received by the postal employees, who perform the most vital public service in America.

But let us put these essential differences aside. The fact is that these departmental employees receive higher daily and hourly rates of pay than do postal employees. For work actually done they are higher paid employees than postal workers.

The departmental clerks in Washington have a seven-hour day, while the postal employee works eight hours, either day or night.

The departmental clerk gets his half holiday, but this is not a boon of postal workers.

The departmental clerk has a 30-day vacation with 30 days' sick leave. The postal employee has a 15-day vacation and 10 days' sick leave.

The postal employee works at least 60 days of 8 hours longer each year than the employees cited. To say that he receives more money in a year is not a fair statement without also admitting that he works longer and at much more exacting tasks. The bill which was vetoed will not make postal pay higher than the departmental clerks referred to now receive, figured on hours of service actually performed.

Mr. Chairman, it is further argued that employees of a similar character in private business receive lower compensation than postal employees.

There is a wide difference between these statements and that of the special committee of the United States Chamber of Commerce, charged with the duty of making a study and report of postal affairs in March, 1924.

This committee said:

> One of the principal causes of delay and irregularity in the handling of the mails is the wide disparity between compensation in the Postal Service and wages paid by private employers, resulting in a large turnover of labor, the taking on of less qualified employees, and consequently inferior service.

During the whole course of the passage of this measure through Congress it is noteworthy that chambers of commerce were just as emphatic in their indorsement as were labor organizations.

The fact is that you can not possibly compare the specialized postal employees with clerks, typists, etc., in other lines of business and no one has ever seriously demanded that—

> the postal employees be paid a scale of wages somewhat higher than the scale paid to employees in the business world!

The postal employees have shown by their indorsement of this postal pay bill that they do not dream of becoming aristocrats of industry.

All that the vetoed bill did was to bring the pay of postal employees up to the level of 1913 in purchasing power.

The Post Office Department did make an effort to prove that postal salaries were high enough. There was no investigation but rather a determination, and those who sent in the reports were left in no doubt as to the results expected.

The fact is there is no business in America similar to the Postal Service. It is highly specialized and is a Government monopoly. The expert postal employee possessed of years of experience can not step out of the post office and sell his knowledge and services to a rival concern. There are no rival concerns.

But the employees of the classes cited by the department are routine clerks, freight handlers, typists, stenographers. They are not mature bonded employees such as the postal workers. They do not have the responsibilities nor do they perform the tasks of the postal employees.

I know the rosy pictures that are painted by some men, either selfishly interested or ignorant men, of the young man fresh from school, who begins work as a clerk or letter carrier at $1,400 a year.

Why do they not consider the other side of that picture? Why do they not portray that postal worker, when 30 faith-

ful and efficient years of service have passed over his head, and his salary is $1,800 a year?

He is a youngster no longer, but a veteran employee, with family cares and responsibilities. He has spent a lifetime of hard, painstaking labor, and he has rendered vitally important service, yet his pay is only $400 more than when he began.

We need to remember that the average post-office clerk to-day is 36 years of age, with three dependents in his family, for whom he must provide a livelihood on less than $1,800 a year.

The average city letter carrier is 38 years of age and he, too, has three dependents in his family whom he must support on less than $1,800 a year.

The low-paid employees in private industry enter an occupation in which they believe there is unlimited opportunity for advancement. There are no laws to hold them to a limit of $1,800 a year, such as now applies to clerks and letter carriers. They accept low pay at first in the hope of high pay at last.

Then, too, every year's experience fits them for higher pay under new employers. If one corporation is unwilling to pay a fair wage, there are others to whom to apply.

The postal employee is tied fast to his work and his wages. His training and experience are of no advantage in outside business. That is the main reason for the fact that the average postal employee sticks to his job in the face of unjust schedules of pay. If there was a place for them to turn and sell their experience and skill, the Postal Service would be in a state of collapse. But it is no reason that the Government, having the power to oppress should use it like an oppressor.

During the hearings on the bill pages were filled with citations of the wages paid skilled labor. They were official figures and showed conclusively that the highest-paid postal clerk or letter carrier, with his $34.61 a week, is one of the lowest-paid workers in all industry. Even the hod carrier far outranks the mail carrier in wages received.

Then, Mr. Chairman, the argument is made that there are many applications for these positions at present pay schedules.

The logic of this statement is simply that as long as men apply for positions and are willing to accept them there should be no increase in compensation, the wage to be paid, regardless of service rendered, to depend upon the supply of labor. It is the law of supply and demand applied to human labor. By such a concept wage rates are fixed in the same fashion as the price of merchandise on the counter. But that theory was not used in the law of April 4, 1924, signed by the President, which increased the pay of Assistant Postmasters General by $2,500 a year. There was never any scarcity of applicants for these places at the former salaries. If the law of supply and demand did not apply to their increase, why attempt to apply it to a $300 increase for postal workers?

The Congress of the United States has written into law the declaration that labor is not a commodity, thus expressing what has been regarded as an American belief that the blood and brain and muscle of men and women are somewhat different from corn and cattle and cabbage.

The Post Office Department, under the guidance of an enlightened Postmaster General, also officially announced that doctrine at the beginning of this administration.

Postmaster General Hays, in his report for 1921, proclaimed an administrative policy which apparently has suffered reversal in a few short months. He said:

> To treat a postal employee as a mere commodity in the labor market is not only wicked from a humanitarian standpoint, but it is foolish and shortsighted even from the standpoint of business. An employee who is conscious that he is regarded as a mere commodity will do enough to "get by" and keep his job until he finds another, and he will do no more. He contributes nothing to the morale of the organization.
>
> The chances are, in fact, that there will be no morale to which to contribute. He grouches and passes on his grouch. Feeling that he is ill treated by his Government he does his work badly, with a consequence that soon everybody is growling at the mail service and at the Government. A postal employee, on the other hand, who is regarded as a human being, whose welfare is important to his fellows, high and low, in the national postal organization, is bound to do his work with a courage, a zest, and a thoroughness which no money alone can ever buy. The security which he feels he passes on to the men and women he serves. Instead of a distrust of his Government he radiates confidence in it.
>
> The most important element in every service is the spirit of the men doing it. We are away in the post-office service from any idea of labor as a commodity. We have 326,000 employees in the Post Office Department; to-day we have 326,000 coworkers. When these 326,000 men and women start out determined to do this work better, nothing can stop the successful consummation of their efforts. Developments are proving this fact.
>
> What are the possibilities of the influence of the postal workers for the spread of either good feeling or ill will? The figures I have already noted give a hint of them—326,000 coworkers serving daily 110,000,000 people. Is it worth while or not, making them feel that they are getting a square deal and seeing that they get it?

Mr. Chairman, I answer the questions of the former Postmaster General by saying that it is above all things else worth while to make postal workers feel that they are men, not machines, and that they are getting a square deal, and that is exactly what Congress earnestly endeavored to do when it passed the postal pay bill.

But even accepting the repugnant theory that postal labor is a commodity and that wages should only be increased when the supply of applicants fails, what is the situation?

The hearings on the measure before the committees of Congress brought out overwhelming evidence that lists of eligibles could not be secured in countless places. Weekly examinations were necessary in some cities, and still hundreds of temporary employees had to be drafted from the streets.

Detroit showed a turnover of more than 100 per cent in a year, showing that even those who passed the examination and accepted appointment could not and would not remain in the service on account of inadequate pay.

The Chicago Examiner of July 5, 1924, stated, "The help-wanted sign is out at the Chicago post office. One hundred and fifty letter carriers are needed." Where were the thronging applicants for postal jobs?

Two months after the veto message had been sent to Congress, the secretary of the third United States civil service district was sending a call for help to all members of local boards. In his letter he said:

> Considerable difficulty is experienced and has been experienced in obtaining sufficient eligibles to meet the needs of the Post Office Department. It very frequently happens that as a result of the announcement of an examination but one or two competitors appear and when the register is established there are not sufficient names from which the postmaster may make selection to fill all vacancies which may exist in the post-office force.
>
> The purpose of this communication is to request that you make every effort, in conjunction with the local secretary of the civil service board and the postmaster, to interest qualified persons to enter the examination. Get in touch with those people whom you think can pass the examination, and show them the advantages of employment in the Postal Service. You might obtain candidates who have reached their eighteenth birthday on the date of examination from among the high-school students.

The examinations themselves have been transformed from a real test of knowledge into a joke through lowered requirements.

The old employees have been overworked because of this situation. The service is undermanned. With the volume of mails doubled since 1913 the number of carriers who deliver it have increased but 24 per cent.

Since the Railway Mail Service is selected as an exhibit in this connection, let us delve into it a little further.

The railway-mail officials of the department inform me that out of that 25,000 applicants 3,249 were certified for appointment. Of this number 1,340 absolutely refused to accept appointment when they were offered positions, indicating that further inquiry into wages and conditions of labor had led a larger number of applicants to change their minds.

The department can give no data as to the number who remain in the service for six months. If the fifteenth division situation last year be taken as a criterion, there would be 26 per cent of those certified remaining at the expiration of six months—844 out of 3,249.

It is an enlightening fact that three out of four of those who are ambitious to enter the Railway Mail Service, and are offered the places they seek, refuse the appointment or resign within six months.

There is a vast difference between a civil-service eligible and a competent postal employee. It requires several years to make efficient, practical railway-mail clerks, post-office clerks, or city carriers such as are needed to handle the people's Postal Service. They are needed not in one division but in all divisions, not in one office but in every office, if this service is to be up to standard. The resignation of countless employees within six months of their appointment because of inadequate pay is a heavy drain and paid for out of postal revenues.

Mr. Chairman, it is further argued that there should be a wage differential favoring postal employees located in the large cities against those in the smaller cities and towns.

The vetoed bill does not ignore the cost of living in different localities. It provides that letter carriers in the village delivery service shall have a maximum rate of $1,400 a year. For letter carriers in rural delivery service, on the standard 24-mile route, it provides a maximum of $1,800 a year with an allowance of 4 cents a mile for the upkeep of their vehicles. That is, a part of the equipment and maintenance expense, made necessary solely because the rural carrier can not perform his duties without such expense, shall be paid by Uncle Sam. For city letter carriers it provides a maximum rate of $2,100 a year.

It does not attempt to divide employees, doing exactly the same work, and with the same responsibilities, into subclasses based on the receipts of the office where they are employed. Such an arbitrary and unjust differential was considered and rejected by the committees.

It may be taken for granted that the President refers to the department's recommendation that $100 increase be granted clerks and letter carriers in offices with receipts of less than $600,000 a year and a $200 increase to employees where receipts exceeded that figure.

To attempt any such arrangement would bring vastly more inequalities and injustices than those alleged to exist under the present system. If it is penny-wise it is assuredly pound-foolishness. In any case it was rejected after careful consideration by Congress. That should be accepted as a declaration of policy, for the Post Office Department has not yet been empowered to make the law as well as carry it out.

Seventy-five per cent of the clerks and city letter carriers live in cities of 25,000 and over and 90 per cent of the railway mail clerks live in cities. A large proportion of the remaining clerks, city carriers, and railway mail clerks live in small suburbs of great cities, where the costs of living are about the same as in the central city.

Food, clothing, house furnishings and coal are sold on a national market and cost about the same everywhere. The prices do not vary according to the size of the city.

The adoption of the $600,000 dividing line would be the most deplorable blow to the morale of the service that could well be imagined. A letter carrier in the Swissvale Station of Pittsburgh, Pa., post office living in a Pennsylvania township farming community, would receive a $200 increase. One foot over the line where his route ends is the route of a Braddock, Pa., post-office carrier. This man lives in the heart of the steel industrial district where living costs are as high as anywhere in the United States, but he would only receive $100 advance because his office does not have receipts of $600,000.

There are countless instances of similar kind. Is such a system as that to become our policy? Far rather to give a little added advantage to a few employees than to work a stinging injustice upon many. All just legislation is based upon the greatest good of the greatest number. But to refuse to give any employee a cost increase because $300 would not go as far in New York City as in some other place is strange doctrine indeed.

If the $600,000 line were drawn, there would not be a clerk or letter carrier get the $200 increase in Arizona, Delaware, Idaho, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, South Carolina, South Dakota, Vermont, West Virginia, or Wyoming.

In Alabama the employees in one lone office, Birmingham, would get the $200 increase.

In Arkansas only one office, Little Rock, would be in the preferred list.

In Colorado there would be Denver; in Georgia, Atlanta; and even in Illinois only Chicago, Springfield, and Peoria employees would get the $200 increase. In Iowa there would be Des Moines and Sioux City; in Kansas, Topeka, and Wichita; in Kentucky, Louisville; in Louisiana, New Orleans; in Maine, Augusta and Portland; in Maryland, Baltimore; in Massachusetts, Boston, Springfield, and Worcester; in Michigan, Detroit and Grand Rapids; in Minnesota, Duluth, Minneapolis, and St. Paul; in Missouri, St. Louis, Kansas City, and St. Joseph; in Nebraska, Omaha; in New Jersey, Jersey City and Newark; in Oklahoma, Oklahoma City and Tulsa; in Rhode Island, Providence; in Utah, Salt Lake City.

That is enough to show the working of this so-called differential to anyone familiar with conditions in these States.

Within the States there would be grave injustices.

For instance, Chicago employees would receive $200 increase, while Chicago Heights employees, forced to live under the same costs of living, would receive $100.

In Scranton, Pa., in the hard-coal region, the employees would receive $200 increase. In Wilkes-Barre, in the same region, with exactly the same living conditions, the increase would be $100.

The principle of equal pay for equal work forbids the discrimination. And not less does the principle of living cost prevent just lawmakers from setting up such an artificial dividing line between American communities.

Mr. Chairman, it is further argued that an organized effort by public employees to secure an indiscriminate increase in compensation should have the most searching scrutiny.

This might imply that there is something wrong in the association of postal employees for mutual benefit. If so, it is an undeserved thrust at one of the most hopeful things in the entire Postal Service—the spirit of team work and cooperation which has made this great public-service enterprise a very marvel of achievement. Pliable workers may be desired by one type of employer, but the history of modern industry is proof that efficiency comes only through capable workers inspired by the spirit of fraternity and organized cooperation. That fact was clearly demonstrated during the war when the War Labor Board urged consideration of workers on the single ground that it was essential in order to secure efficient production in a time of national crisis.

As to its importance in peace-time industry, I can do no better than quote William B. Dickson, vice president Midvale Steel & Ordnance Co. He says:

> If the individual is debarred from association with his fellow workers, he is no longer a free man but a serf; and the serf has no place in the future of America.

Aside from this phase of the question, it is true that the only assurance of just treatment for postal workers is found in their organization. Without it they are utterly helpless to do the one thing we permit them to do—arouse public sentiment and respectfully ask relief from Congress. Individual workers can do nothing, and they selected representatives who conducted their cause in scrupulously honest style. They made only respectful requests and won support only by the righteousness of their aims. The Canadian postal workers went on strike to enforce their demands. The American postal employees, led by their own organization leaders, kept faithfully to their tasks. That kind of patriotic organization of Government workers deserves praise, not rebuke.

What does "indiscriminate increase in compensation" mean? Such a phrase can not be applied to the schedules of the vetoed bill, since the most careful classification of the employees was therein enacted. Each grade and each class was given its proper appraisal in the deliberate judgment of committees and Congress.

Nor was any measure ever given more searching scrutiny than the postal pay bill in the last session. It was introduced on December 20, 1923, and the final conference report adopted June 6, 1924. Between those dates there was continuous and painstaking study. Every line was scrutinized time and again by the committees of the House and Senate. There was no haste, but, rather, unprecedented deliberation. The final draft was the composite judgment of the Post Office Committees, responsible for such legislation.

Their finished task was approved by the public, by business organizations, and by a practically unanimous vote in both Houses of Congress. Whatever else the postal pay bill was or was not, it was not "indiscriminate," and it was not enacted without the most searching scrutiny.

Mr. Chairman, it is further argued that governmental extravagance must stop and that before additional obligations are created they should be proven essential to the best interests of the Nation.

In his Labor Day speech, September 1, 1924, at Washington, D. C., President Coolidge said:

> If anything is to be done by the Government for the people who toil, for the cause of labor, which is the sum of all other causes, it will be by continuing its efforts to provide healthful surroundings, education, reasonable conditions of employment, fair wages for fair work.

The actual facts as to the privations borne by American toilers of the Postal Service—fathers of families—because of unfair wages for more than fair work, challenge immediate action. Call the long roll of those who can not provide healthful surroundings for their families. Review those who are forced to rob their children of education in order to raise the family income to subsistence level. Count the number of those who are forced to take an extra job at night and thus forego any reasonable conditions of employment. That pitiful procession will prove that the Government, through

past neglect and the failure of this vetoed bill is responsible for a denial of all these rights of labor; the sum of all other causes. The final defeat of this measure means a blow against the children who must grow up under scant provision that inadequate pay makes necessary. Ninety per cent of the trained and specialized employees of the great United States Postal Service receive less than $2,000 a year, and 82 per cent receive less than $1,800 a year. That one statement portrays the present situation better than volumes could do.

There is nothing so essential to the best interest of the Nation than that its workers who render faithful service shall have just reward for their service. That reward must not be less than a living wage.

If there is any other problem which can better demand solution on the plans of urgent necessity, I do not know what it is.

To say that an honest attempt by a practically unanimous Congress of peoples' Representatives is extravagance and that its negative by presidential veto is economy is the use of words in a fashion not understood by the American people. In every way possible they have shown that they know that justice is not extravagance, and injustice is not economy. Unwise economy is the real extravagance. A man is not necessarily a true economist who believes in spending the least money. One of the leading automobile experts of this country has said:

> In the effort to get too many miles to the gallon of gas, too many miles of service from tires, and too many miles of service per dollar invested in repairs and adjustment, car owners are paying the piper to the tune of millions of dollars annually.

He declares that more fines are paid for exceeding the economy limit than are collected by all the police courts in the country.

Exactly the same logic can be applied to the Postal Service. There has been wonderful service given by the employees, and it has been unusually economical, but it is a fallacy to assume that it should therefore be entirely neglected until a break down occurs. Putting compensation on a just basis now will forestall a tremendous bill for the repair of a great service which is certain to be demoralized by the continuance of salary schedules which are lower than those of 1913.

The unprecedented approval of the American people for readjustment of these salaries is proof that they believe that justice in postal pay is economy and injustice is extravagance.

Mr. Chairman, it is further argued that the postal salaries bill makes no provision for increasing postal revenues to meet the expenditure.

This suggests a new departure in postal policy—that postal wages must depend on postal revenues. If there is to be no adjustment of postal pay because of the effect on postal profits, we must transform the postal system into an enterprise for profit rather than service. Political platforms have often demanded adequate wages for postal employees, but I have yet to read the plank which made postage rates the determining factor. Here is the plank of the Republican platform of 1920, upon which this administration came into power:

> The United States Postal Service should be operated for service rather than profit. There is no true economy in destroying the efficiency of the Post Office Department by curtailment of the service it has hitherto performed or by failure to properly compensate employees whose expert knowledge is essential to the proper conduct of the affairs of the postal system.

In all the history of the Postal Service there has never been a salary bill coupled with a postage rate bill. Never before has fair treatment been refused postal employees on the basis that inadequate postage rates are insufficient to create a money surplus. It has always been believed that the question of just wages for employees was to be settled on its own merits, since the postal system was operated for service, not for profit.

As to the bill which was vetoed, the Postmaster General urged that no postage provision be carried, because, as he said:

> No readjustment of postage rates or special fees can be made intelligently until the cost ascertainment has been made.

The committees agreed with the Postmaster General and also believed that the only sensible way to adjust income and outgo is to fix production costs. We believed that an increase in pay is justly due the employees.

We proposed to fix those schedules and then, when the amount needed to make the service approximately self-sustaining had been determined, to fix postage rates based on that experience.

The question of postage rates is important, and since they are still at pre-war levels in spite of great advances in everything which enters into Postal Service, it is self-evident that changes should be made.

Numerous bills were before the committees providing for adjustment of postage rates.

No action was taken on these, expressly at the request of the Postmaster General. His suggestion to await the findings of the cost ascertainment commission was accepted. The committee is ready and eager to proceed to the question of postage rates. However, we have always maintained that the first question is, Shall postal workers have a living wage? The postal deficit is not more important than the deficit in the household budget of postal employees forced by the present pay.

In fact, all wage increases for postal employees in the past have been carried by the increased efficiency of the workers themselves. Postal labor costs are relatively lower to-day than in 1913. The production per unit is greater than ever before. The employees have speeded up their work, have taken on extra loads. They will do the same with a large part of the $65,000,000 additional cost under this bill. The present rate of increase of revenue over expenses shows that the sum can be largely absorbed by the postal workers.

Of course, if the Postal Service is to be run for profit, there must be a complete change in administration. Every activity which does not show a profit should be lopped off.

If that is to be the policy, then the postal employees, in all fairness, should have a voice in fixing postage rates and in eliminating all postal activities which do not pay their way. If their wages are to be dependent on profits they must have a chance to help make profits.

Surely that is not to be the policy of the Postal Service. The American people are proudest of their postal system because it is the most efficient instrument of democracy in the Nation. They have never protested because revenues have fallen behind expenditures in any year. They believe that the service should be approximately self-supporting, but they know that the small amounts required to balance accounts is the best expenditure made by the Government.

I am in favor of reducing taxation to the very lowest point possible consistent with national obligations. I count the first and foremost national obligation the duty of paying a living wage to faithful servants of the Government. Let us reduce the income of the Government, but let us pay the honest debt first.

The post office employs more people than the combined forces of the Army and Navy. It serves more people than all the other departments combined. Last year the Army and Navy cost $670,000,000, while the post office received from the General Treasury the sum of $32,000,000. With its universal service to 110,000,000 Americans, the post office, because of the deficit, got 98 cents out of each $100 spent by Uncle Sam.

The salary increases provided in the bill were dated from July 1, 1924. It would require about $32,500,000 to meet these advances to January 1, 1925, and this would be paid from Treasury receipts of 1924. It was announced shortly after Congress adjourned that the United States Treasury showed a surplus of $300,000,000 for the fiscal year 1924. Surely America does not mean to take as her motto "Millions for surplus, but not one cent for underpaid public servants." Paying those increases will simply mean the expenditure of $1 out of every $100 spent by Uncle Sam, and it will not mean an additional cent in taxation. The United States can not afford to pay its faithful servants starvation wages.

Mr. Chairman, it is further argued that although the Postmaster General has authority to increase parcel-post rates without legislation, such increases would bear heaviest upon the farmers, who are the largest users of parcel post.

That the farmer is the largest user of parcel post is a popular error. Instead of the farmer being the largest user of parcel post, he is the smallest. Sears, Roebuck & Co., mail-order house of Chicago, send out more parcel-post packages in a year than all the farmers in America send in a year.

The only figures ever taken on the volume of parcel post to and from farmers and dwellers in rural communities were collected by the Post Office Department for July, 1920. That month there were 8,534,643 pieces of parcel-post matter delivered to patrons of rural routes, and 1,292,837 pieces collected from them, a total of 9,827,480. Extended for the year it would mean that 117,929,760 pieces of parcel-post mail matter were received and sent by the patrons of all these rural routes.

From these figures all the dwellers on all the rural routes sent out in a year 15,513,014 parcel-post packages. The manager of Sears, Roebuck & Co. informed me, under date of October 1, 1924, that his company sends out more than 30,000,000 parcel-post packages in a year.

The Postmaster General's report for 1920 states that—

The total number of pieces of parcel-post mail handled during the past fiscal year is estimated to have exceeded 2,250,000,000.

Based on these figures, the only ones available, the farmers of this country receive and send 5 per cent of the number of parcel-post packages handled in the United States mails.

In July, 1920, the total postage received by the Post Office Department from parcel-post mail delivered on rural free-delivery routes was $905,110.62. The postage from parcels collected was $122,135.35, a total of $1,027,245.96. Extended for the year that would mean annual revenue from this source amounting to $12,326,951.52. The Postmaster General's report for 1920 estimates the total postage from parcel post at $150,000,000.

Based on these figures, the only ones available, all the patrons of all the rural free-delivery routes paid 8 per cent of the postage received from parcel-post matter.

The total postage received from all classes of mail collected and delivered, on all rural free-delivery routes in July, 1920, was $4,291,860.93, which makes for a year $51,502,231.16. The appropriation by Congress for the rural free-delivery routes alone for the fiscal year 1920 was $68,800,000. Crediting all the postage on all mail sent to these patrons as well as all postage on all mail sent by them and there remains a deficit of more than $17,000,000. Surely it is evident that a slight increase in parcel-post rates would not require the contribution of a large sum from farmers to postal employees.

The parcel-post rate is to-day lower than the p.-war rates. It is apparent to any fair-minded observer that an increase here is justified and will not injure the service.

But above all, the supreme fact remains; postal salaries should be fixed at a fair rate; then postage rates can be adjusted to make the postal system practically self-sustaining and give the maximum service at the minimum cost to postal patrons.

I have reviewed every argument and objection made during the entire course of the consideration of the postal salaries bill, and I appeal to your judgment as to whether or not they are so compelling as to lead you to reverse the decision you made in June.

There is added force now for every argument made by the proponents of this measure in June. The trend of prices for the necessaries of life is sweeping upward. Wages in other lines are being increased, and all indications point to a business advance which always means a rising scale of prices. If we refuse or neglect to act, the result will be a reduction in pay, based on purchasing power, for every employee in the great Postal Service.

Mr. BUCHANAN. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. MANSFIELD].

Mr. MANSFIELD. Mr. Chairman and gentlemen of the House, a Washington paper, in its issue of the day before yesterday, contained an article in regard to the pending river and harbor bill, which, with the headlines it adopted, has attempted to create a very erroneous impression. I have clipped the article, and I ask the Clerk to read it in my time.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

PORK BARREL BILL SPEEDED IN HOUSE—RIVERS AND HARBORS MEASURE CARRIES $53,565,650; RIGHT OF WAY URGED

After 10 lean years Members of Congress indicated they had a keen appetite for "pork" yesterday when a move was made in the House to speed action on the river and harbor bill, carrying $53,565,650 for 34 new projects.

Urged on by Members from States that will benefit, Representative DEMPSEY, of New York, chairman of the Rivers and Harbors Committee, resubmitted the report on the measure, so as to give it a privileged status.

DEMPSEY and the Republican members of the committee will appear before the Republican steering committee to-day to urge that the bill be given right of way soon. DEMPSEY believes the bill may pass at this session, and Senators are understood to be just as hungry for "pork" as the Representatives.

Although Congress revolted against the economy program and succeeded in getting through a rivers and harbors bill in 1922, the old-fashioned "pork barrel" bills all but disappeared early in the Wilson administration.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. MANSFELD. I yield.

Mr. O'CONNOR of Louisiana. Is the gentleman quite sure this article in reference to pork-barrel legislation was from a Washington newspaper?

Mr. MANSFIELD. Yes, sir; it was in a Washington newspaper I am sorry to say. Mr. Chairman, I thought that the method of procedure in securing river and harbor legislation had become so well known that no man of intelligence would attempt to make a charge of pork barrel against a river and harbor bill as they are enacted at this time, and for the purpose of getting more clearly before you and before the country the method of procedure I have here, from the RECORD, a statement made by the late James R. Mann, for many years the very able leader of the Republican Party in this House, a man who as a statesman had few equals, and as a parliamentarian had no superior. I ask the Clerk to read that statement from Mr. Mann.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

Whatever men may think about the merits of particular propositions in a bill, there is no legislation which comes before Congress which is so critically scanned by experts as are the river and harbor bills before they reach the House. * * * There are more processes involved, and far more expert men, wholly disinterested, unbiased, uncontrolled by politics, in reference to a river and harbor item than for any other legislation provided by any legislative assembly in the world.

Here are the steps through which any river or harbor project must pass before any work is authorized to be done on it:

1. Authorization by Congress for a preliminary examination and survey. In effect, this authorizes the Chief of Engineers to direct the district engineer in whose district the proposed improvement lies to make a preliminary examination and to report to him whether there appears to be sufficient merit in the proposal to justify a thorough examination and survey.

2. The district engineer makes this preliminary examination, and his report, which deals largely with present and prospective commerce and the benefits to commerce which the proposed improvements would afford, is sent to the division engineer.

3. The division engineer, who is a senior officer, with years of experience on river and harbor work, and has supervision over several districts, examines the report of the district engineer and makes his comments on it, and any recommendations he may see fit and sends it on to Washington.

4. It is then turned over to the Board of Engineers for Rivers and Harbors, which is a body specially created by law to review all river and harbor projects in an impartial way and from a strictly national point of view. This board reviews the report of the district engineer and the comments of the division engineer, and reports the whole matter to the Chief of Engineers with its views and recommendations.

5. The Chief of Engineers then examines the report of the district engineer and the comments and recommendations of the division engineer and the Board of Engineers for Rivers and Harbors in order to determine whether a thorough examination and survey are justified by the present and prospective commerce and the benefits to commerce which the proposed improvement would afford. If his decision is unfavorable (5a) the Chief of Engineers so reports to Congress. Congress may let the matter drop there, and the matter is ended. If, however, they think that any facts or considerations have been overlooked or not given sufficient weight they may (5b) authorize a further examination of the proposed improvement and a subsequent report to Congress.

If in step 5 the decision of the Chief of Engineers is favorable, or if Congress has authorized further examination, as in step 5b, then—

6. The Chief of Engineers directs the district engineer, or such other officer or board as he may designate, to make a thorough examination and survey of the proposed improvement and to make recommendations as to exactly what work should be done and an estimate of how much it will cost and the rate at which the work should be prosecuted. This report also completes, as far as possible, commercial statistics and gives consideration to such subjects as the adequacy of terminal facilities, the possibility of water-power development, etc.

7. This report is transmitted through the division engineer, who again makes his comments and recommendations and forwards it to Washington.

8. The report, with the comments of the division engineer, goes to the Board of Engineers for Rivers and Harbors, which reviews the whole question and makes its report and recommendations to the Chief of Engineers.

9. The Chief of Engineers examines the report of the district engineer or other officer or board and the comments and recommendations of the division engineer and the Board of Engineers for Rivers and Harbors.

10. The Chief of Engineers sends to Congress his report and recommendations on the proposed improvement, either transmitting in full or summarizing for the benefit of Congress the views and opinions of the district engineer, the division engineer, and the Board of Engineers for Rivers and Harbors.

11. This report is referred to the proper committees of Congress—the Committee on Rivers and Harbors in the House of Representatives and the Committee on Commerce in the Senate.

12. Hearings are held by these committees, at which all interested parties are given an opportunity to be heard, and at which the Chief of Engineers and his assistants may be asked for further information. If the decision of the committee is favorable, then—

13. The committee includes an item for the proposed improvement in a bill which it reports to its House of the Congress with the recommendation that it pass.

14. The bill must pass both Houses of the Congress and be approved by the President. The proposed improvement then is an adopted project, and work is authorized upon it when Congress shall have provided the necessary funds.

Mr. MANSFIELD. Mr. Chairman, it occurs to me that the statement by the late Mr. Mann is a complete answer to any charge of pork barrel that might be brought against a river and harbor bill. It is not my purpose at this time to discuss in detail the pending river and harbor bill, but will refer to a few of the major projects. This newspaper does not pretend to point out any item in the bill which it claims to be pork. Every item in the bill was brought about and prepared just in the manner as stated by Mr. Mann, and I take it for granted every Member of this body knows that such a thing as "pork" getting into a bill under the present method of procedure is an absolute impossibility.

Mr. GREEN. Will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Iowa.

Mr. GREEN. My district has no interest in the pending bill and it has not had any as far back as I can remember. But as described by Mr. Mann the fact is that all of these projects must be gone over by these engineers very carefully in detail and report; and these men, if I understand the gentleman correctly, and every Member of the House knows about it, have no interest whatever in a project except to do what is best for the country nationally. I am speaking about the engineers of the War Department.

Mr. MANSFIELD. Yes, sir.

Mr. GREEN. Now, as I understand it, if they have not reported favorably there is practically no chance of the bill getting favorable consideration from the Congress.

Mr. MANSFIELD. I consider it impossible.

Mr. GREEN. Yes; I might have gone further, it is practically impossible. If they do report favorably, the bill has even then a long, weary road to travel before it is adopted.

Mr. MANSFIELD. The gentleman is entirely correct.

Mr. BLANTON. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. May I ask my colleague to yield one additional minute?

Mr. MAGEE of New York. I will yield 10 minutes' additional time to the gentleman from Texas.

Mr. BLANTON. My colleague has referred, of course, to the present situation with regard to such bills, but he does not mean to carry the intimation that there has not been pork in some such bills in the past, does he?

Mr. MANSFIELD. I will say to the gentleman that that was possibly true at one time in the history of this country.

Mr. BLANTON. Because the gentleman knows, concerning the Trinity River in our State, there has been spent over $2,000,000, a stream that could hardly be called a very large river.

Mr. MANSFIELD. I will state to the gentleman that the Trinity River has long since been abandoned by the engineers and by the Congress.

Mr. BLANTON. But it should have been abandoned long before the $2,000,000 was spent.

Mr. MANSFIELD. Well, the engineers are not infallible, of course, and it is possible even for them to make mistakes sometimes. I do not say they did make a mistake as to the Trinity, but it seems they recognized the fact that navigation on the upper portion of the river was impracticable without the expenditure of a greater amount of money than at first estimated, and that the demands of the commerce were not sufficient to justify it. They recommended its abandonment, and Congress very promptly suspended the work. I will state, however, that they have made very few mistakes, as the record will show. Since the year 1824 slightly more than $1,000,000,000 have been spent for improvement and maintenance of rivers and harbors, and the annual report of the Chief of Engineers shows that only $20,000,000 has gone upon projects that have been abandoned. This record of a century is without a parallel in any other line of expenditure. The annual report of the Chief of Engineers also shows that our waterways last year bore a traffic of more than 442,000,000 tons, having a valuation of more than $19,000,000,000. This tonnage of one year justified the expenditures of a century.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. MANSFIELD. I will yield to my friend from Colorado.

Mr. TAYLOR of Colorado. I want to ask the gentleman when an appropriation is pork? Does it not depend entirely on the opinion of a great many people as to where it is located? [Applause.]

Mr. MANSFIELD. The gentleman is correct, and the man who wants pork himself is generally accusing somebody else of pork.

Mr. TAYLOR of Colorado. The spending of millions of dollars in the city of Washington is wise, but spending any outside of Washington is pork. [Applause.]

Mr. MANSFIELD. Yes, sir; that is the way some of our Washington newspapers seem to regard it. I will state, with reference to the bill, that in so far as I am capable of understanding it, and I think I understand it fairly well, it does not contain a solitary item that is not of more than local benefit.

Nearly every item in it and at least every major item is of national consequence. Take the three or four major projects, including that of the Hudson River, for instance. It provides for a $10,000,000 project on the Hudson River. That is not for the sole benefit of the people who live along the banks of the Hudson River. It is a national proposition. It is of vastly more benefit to the wheat growers of the Northwest than to those who live along the river.

Mr. GREEN. It does those on the Hudson practically no good.

Mr. MANSFIELD. It does them comparatively little good. They are not the ones who are contending for it. Among others the wheat growers of the West are contending for it. One of the largest items of shipment over that stream is wheat, and this will be greatly increased if this project is put through. There were 11,000,000 tons of wheat carried last year over the Great Lakes from the northern wheat districts of the United States.

When this wheat comes a thousand miles or more over the Great Lakes at the lowest freight rate known to the world, with the exception of a few of the streams in Europe, much of it is then exported. Some of it is diverted down through the Welland Canal and the St. Lawrence River, through British waters, and is exported on British ships. Some of it comes over the New York Barge Canal and is exported and carried abroad in American ships. The improvement of this stream as proposed will make a ship channel of the Hudson River as far as Albany and Troy and within a few miles of the connection with the barge canal, which is owned and operated by the State of New York. This improvement of the Hudson will be of vast benefit to the bread consumers of New York and of all sections of the East. It will be of vast concern to the State of New York, which receives the benefit of the toll charge for conveying the additional freights. It will be of vast benefit to the wheat growers of the great Northwest, who will have an additional outlet at reduced rates for disposing of their surplus products. It will be of benefit to the United States generally by having those products exported in American bottoms and in ships owned by the United States Government.

It is a very narrow view for anyone in judging of these propositions to consider them solely from the standpoint of some person immediately upon the ground. The Committee on Rivers and Harbors had a very different view from that expressed in the Washington newspaper concerning this bill. They have very carefully gone into every item in it. They have conducted hearings for months and months, and everything upon which there was the slightest doubt as to its great importance to the people of this country was completely eliminated before the bill was reported to the House.

I can see why railroads might want to befuddle the minds of the people where water transportation competes with them. They are quitting it to some extent, but in some instances they are keeping it up. But I am unable to understand why a great newspaper published here in the National Capital should attempt to do anything of that kind.

There is another thing that this article attempted to do. It attempted to create the impression that it is the Republican Party that is doing the "pork barrel" business. It says pork was eliminated under the administration of Woodrow Wilson, but that the Republican members of the Committee on Rivers and Harbors are now attempting to reinstate it.

There is not a word of truth in that. The Republican members of that committee, like the Democratic members, would stand as a unit against any project which did not have the favorable recommendation of the Chief of Engineers and which was not further shown conclusively by the investigations to have been in response to the urgent demands of commerce.

Neither did President Wilson, so far as I am informed, do anything to eliminate "pork" from river and harbor bills, because at the time of his administration it was not possible for "pork" to have been embraced in such measures. President Wilson was a great man, it is true, a great friend of waterway improvements, and would have done anything possible to discourage or eliminate such procedure if it had existed, but it did not exist in Congress at that time.

The Republicans, in fact, have done one thing that perhaps goes further to eliminate the possibilities of "pork" from river and harbor expenditures than anything else that has ever been done on either side of the aisle. It was a Republican Congress that adopted the plan of lump-sum appropriations, taking it out of the hands of Congress altogether and placing it in the hands of the engineers, where it is supposed that the money would be expended scientifically and by those who have no special interest involved in any particular project. Even if it had been possible for "pork" to have crept into the legislation, this would have eliminated it in the administration.

Mr. LAZARO. Mr. Chairman, will the gentleman yield for a question?

Mr. MANSFIELD. I yield to the gentleman from Louisiana.

Mr. LAZARO. Will the gentleman explain to the House a provision of the bill under which, when a project is started, it must be completed within five years in order to protect the Government?

Mr. MANSFIELD. In reply to the gentleman from Louisiana I will say the bill provides that all projects heretofore adopted must be completed within five years from the passage of the act, and all subsequent projects must be completed within five years from their adoption. If it is found physically impossible to complete any of them within that time, the Chief of Engineers must clearly set forth the reasons in his annual report.

That is one of the wisest provisions ever placed in a river and harbor bill. Our great inland waterways, like the Mississippi, Missouri, and Ohio Rivers, have had a tortuous road to travel. Largely due to the opposition of the railroads, and with a hostile press to deal with, the country has been falsely led to believe that the most meritorious projects are but grafting schemes to get money out of the Treasury. As a consequence the appropriations have been held down until they were insufficient in some instances to even salvage the work until another driblet could be obtained. Projects that ought to have been completed in a few years are still uncompleted after more than a quarter of a century. Much of the money has consequently gone to absolute waste and the commerce of the country has suffered.

What we ought to do is to put up the money and let all of these projects be completed as soon as it is physically possible to do so, just as Roosevelt dug the Panama Canal. If he and Goethals had fooled along with that job like the Ohio, Mississippi, and Missouri Rivers have been permitted to lag it would not have been completed within a century. It is now thoroughly demonstrated that navigation on these rivers is entirely feasible, and that the completion of the improvements is an urgent necessity. Though the improvements are but partially completed on the Mississippi, enough wheat was conveyed to New Orleans by the Government barge line last year to result in a saving of more than $4,000,000 to the farmers who produced it. Other lines of shipments produced similar results.

The Intracoastal Canal of Louisiana and Texas is the largest project in the bill, the estimated cost of which is $16,000,000. This is not a new project, but the enlargement of an existing waterway. It now has a depth of 5 feet and bottom width of 40 feet, which is not of sufficient capacity to handle the commerce. The proposal is to make it 9 feet deep and 100 feet wide, the work to extend through a period of four years, the appropriations authorized not to exceed $4,000,000 in any one year. This depth of 9 feet will be uniform with that of the Mississippi system, with which it will connect, and permit of through transportation without change of equipment or transfer of cargo.

The bill contains a provision with reference to this project that is entirely new to waterway legislation in this country and one that will be an absolute guarantee that the canal will be used for navigation. It provides that the work is not to be commenced until the Secretary of War has satisfactory assurances that local interests will provide the necessary equipment for the economic handling of 1,200,000 tons of commerce annually. This will involve a local investment estimated at $5,000,000.

This waterway, while greatly beneficial to 6,000,000 people in Louisiana and Texas, will be of almost equal benefit to more than 30,000,000 residing in other States. The enormous production that has recently developed along the line of the canal, consisting largely of sugar, rice, cotton, salt, sulphur, oil, asphalt, and gasoline, must necessarily go abroad or to the interior for consumption. The wheat, corn, steel and iron products, cement, coal, farm implements, and automobiles consumed in that section and in Mexico must necessarily come in whole or in large part from the interior States.

The nature of nearly all of these commodities is such as not to profitably permit of their entering into commerce involving long hauls by rail. Some cheaper method of transportation must therefore be provided or else both producer and consumer at both ends of the line will become the victims of loss or deprivation.

With its eastern connection this waterway will be the equivalent of an extension of the Ohio-Mississippi-Warrior system, 600 miles to the southwest, through a territory that has recently become remarkable for the products of the soil, mine, and factory. Its western terminus will be in close communication by rail over several lines and at short hauls with the Mexican border and with the United States military headquarters of the southwest at San Antonio.

It is also the nearest point for water transportation with the recently discovered potash deposits of west Texas, underlying many square miles, and which the tests so far made indicate will be of sufficient capacity to provide that necessary ingredient to fertilize all of the farm lands of the United States for a century if not for all time.

The canal will intersect and form one of the principal feeders for the ports of New Orleans, Morgan City, Lake Charles, Orange, Beaumont, Port Arthur, Texas City, Houston, Galveston, Freeport, and Corpus Christi. The commerce of these ports for the year 1923 aggregated 41,307,129 tons, with a valuation of $2,007,187,211.

This tonnage consisted largely of sulphur, oil, and cotton, embracing approximately one-half the entire cotton crop of the United States. By way of illustration, it would be sufficient to load a freight train long enough to extend four times across the continent from New York to San Francisco, and a very large proportion of the commerce for these ports will necessarily be over this waterway when completed.

Col. George M. Hoffman, division engineer, in his report on this project, says:

> Probably nowhere in the world are conditions so favorable for the economical construction and the efficient use of an inland waterway of the first class as in the case here presented.
>
> The waterway, with its connections via the Mississippi and tributaries, the intracoastal route to Mobile, and the Warrior system, reaches many States of diverse needs and production. In the general case freight rates are high, and analysis thereof would have made an impressive showing, but the intricacies of the question and the magnitude of the work involved rendered any comprehensive investigaton impracticable within a reasonable period. Lands traversed are fertile and capable of high agricultural development. Mining and manufacturing possibilities are tremendous. Grazing lands abound. Fisheries are unequaled. Large areas of hard and soft woods are still uncut. Climate is salubrious, many coast resorts being popular the year around.
>
> Both for a connection between great producing and distributing centers, and as a much-needed local main thoroughfare, the proposed waterway gives excellent promise of furnishing a much-needed transportation and development agency.

This language of Colonel Hoffman is pertinent and expressive, and the canal is destined to be equally beneficial for both the local and interstate traffic. When in operation in connection with the Mississippi system, Pittsburgh, St. Louis, Mobile, and Birmingham, as well as all intermediate points, will be brought in direct water communication with all points on the line of this canal. When the Mississippi projects are completed, Chicago, Minneapolis, and Kansas City will be included.

This will have the effect of an approximate 50 per cent reduction in rates on coal, structural steel, iron pipe, barbed wire, nails, farming implements, wagons, automobiles, and accessories consumed in western Louisiana and Texas, while the rates on wheat, flour, and corn will be very materially reduced. At the same time the northern consumers will get the benefit of reduced rates on sugar, rice, salt, sulphur, oil, and gasoline.

The canal, extending so near the Mexican border, will open an additional market in that country for the products of the northern farms, the mines, and the mills. The Jones & Laughlin Co. and the Carnegie Steel Co., of Pittsburgh, have each expended several million dollars on tows and barges for operation on the Ohio and Mississippi. This shows their faith in the proposition. They assure us they will be very glad to extend their operations to the intracoastal canal and have a great distributing point in Texas.

These companies also consume about 42,000 tons of sulphur annually in the production of steel. This, to a certain extent, will afford return cargoes for their own use. The sulphur they are now consuming is carried in the coastwise trade to Baltimore, thence by rail to Pittsburgh.

Gen. George W. Goethals, who by reason of his great success in the construction of the Panama Canal is regarded as one of the world's greatest engineering authorities, was employed by interested parties to make a commercial survey of this waterway. He tells us he entered upon the task with skepticism but wound up as an enthusiast. He conducted hearings in nearly every town on the line of the canal. His report shows in detail the kind, character, and probable amount of freight that will be handled, giving the points of embarkation and of debarkation. It shows a potentiality of 12,315,953 tons, but he estimates that the present tonnage, conservatively stated, will be between 5,000,000 and 7,000,000 tons annually.

The salt mines of Louisiana, or islands, as they are called, are in operation close by the side of the canal, turning out thousands of tons of pure rock salt. By reference to the statement of General Beach in the hearings it will be seen that the test borings show conclusively that the capacity of one of these islands alone is sufficient for the entire world consumption for a period of 10,000 years.

The saw and planing mills of western Louisiana and eastern Texas are located directly on the canal and on navigable bays and channels connecting with it. These mills are annually turning out many millions of feet of lumber and constitute the principal source of building material for more than one-twelfth of the population of the United States.

The sulphur mines of western Louisiana and at Freeport and Gulf, Tex., likewise on the line of the canal, are producing and shipping more than 2,000,000 tons of sulphur annually. There are three of these great sulphur mines in operation, of about equal production. The entire output of one of them will necessarily have to pass over this waterway. The other two, on account of their location near the ports, and having their own rails and port facilities, may use the canal for the interior trade only.

At Port Arthur, on the canal, are located the oil refineries of the Gulf and Texas companies, in which 13,000 men are employed. These refineries are connected by pipe lines with practically all of the oil fields of Louisiana, Texas, and Oklahoma. One of these refineries is the largest of its kind in the world, while the other is a close second. These companies have given the assurance that they will use the canal for the interior trade. Gasoline is selling in Texas at 4 cents per gallon less than in Washington. With the cheaper water rate on the canal and its connecting waterways, the price of gasoline should be materially reduced to consumers in nearly all northern and eastern sections of the United States.

The canal, in its course, will pierce the heart of the sugar belt, the rice belt, the salt belt, the lumber belt, the oil belt, and the sulphur belt of the great Southwest. It also penetrates a country unsurpassed in the production of cotton and of cattle. The great sugar refineries, rice mills, cotton compresses, and cotton-oil mills are located on its line, in both States. In Louisiana it intersects a dozen or more canals and bayous on which more than 1,200 power boats are now engaged in the handling of commerce. In both States the fish and oyster industry has assumed enormous proportions, for which the canal will be used, at least locally.

The canal touches 12 counties in Texas, some of which have more than 100,000 head of cattle, as shown by the records of the Federal and State authorities engaged in the work of tick eradication. This is the section of the State so largely devoted to the breeding of the famous Brahman, or sacred cattle, originally imported from India, as shown by a recent farm bulletin of the Department of Agriculture. These cattle, on account of their enormous size, quick growth, and ability to resist insect pests are rapidly supplanting other breeds of beef cattle. There are now many thousands of them in this section.

In Nueces County, in which the canal has its western terminus, 92,250 bales of cotton were ginned in the year 1923, as shown by the Bureau of the Census. Many other near-by counties are large producers of cotton. Later, should occasion permit, I shall attempt to tell of the commercial resources of the territory contiguous to this waterway.

Mr. BUCHANAN. Mr. Chairman, I yield half a minute to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent to extend my remarks on the Interior Department bill.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks on the Interior Department bill. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, as a member of the subcommittee of the Appropriations Committee in charge of the Interior Department appropriation bill I have attended the hearings of our committee on that bill very diligently, and the printed volume of 1,004 pages of those hearings will show that we have made an exhaustive investigation of all the needs of that department and its 15 various bureaus, and I am thoroughly in accord with the policy of this administration and the House in desiring to practice economy in every possible direction, and this bill conclusively shows that our committee has pared the estimates upon all of the thousands of items covered as far as a sound policy will permit us.

But there is one instance in which I have felt all along that the committee has gone further than is justified. I have reference to the item in the bill abolishing a large number of United States land offices. There is no doubt but what some two dozen land offices throughout the United States could well be and should be abolished. And I understand the Members of the House representing those districts would not seriously object to the reduction of land offices to that extent. But this bill goes much further and abolishes land offices that would work a very great hardship upon many thousands of people throughout the West; and I feel that that hardship is not at all warranted by the small amount of saving that would be accomplished thereby. But as all of those land offices are in one item in the bill, and the amendment is to strike out the entire item, so that all must be retained or none, I feel constrained to vote to retain all of them rather than abolish some 25 or 30 that ought not to be abolished.

I have no authority to speak for my colleagues from Colorado, but I feel reasonably confident that neither Mr. TIMBERLAKE nor Mr. HARDY would object to the abolishing of the land offices at Lamar and Sterling, Colo. But in the case of Durango and Leadville, Colo., the facts do not at all warrant their discontinuance at this time.

The official report of the Interior Department for the fiscal year ending June 30, 1924, shows that in the Durango land office there were at that time unappropriated and unreserved public lands, 403,063 acres, and there were unperfected entries covering 495,348 acres, and there were 189 applications for entries, and that there were original entries on 20,777 acres, and final proofs made on 21,963 acres, and 66,842 acres were patented during that fiscal year; that there were cash receipts during that year amounting to $13,102.31, and the total expenses of running the office were $5,886.39; that is, the total expense of running the office in relation to the revenues received was 44.92 per cent.

While in the Leadville land office there are now 159,704 acres of unreserved and unappropriated lands and unperfected entries on 243,449 acres, and that during the past fiscal year there have been 219 applications and entries covering 35,393 acres and 35,144 acres upon which final proof has been made, and that 40,738 acres have been patented during the past year, while the total receipts of the office have been $5,884.56 and the total expenditures have been $4,337.15. In other words, the total expenses of running the office have been 73.70 per cent of the receipts.

But there are a great many other reasons for the maintenance of many of these land offices, including the two just mentioned, aside from the financial showing that is made by them. I have some specific statements from prominent citizens and business men's organizations appealing to Congress for the continuance of these two land offices which I think should be inserted in the RECORD to show the sentiment of the people in the communities affected by this contemplated action, and in pursuance of the permission to extend my remarks I herewith insert the following telegram from the Durango exchange and a statement following that from the business men of the city of Durango:

DURANGO, COLO., *December 3, 1924.*

Hon. EDWARD T. TAYLOR, M. C.,
Washington, D. C.:

We earnestly protest proposed abandonment Durango land office. This office has nearly half million acres vacant land, about same amount appropriated with final proof yet to be made, together with similar acreage of mineral permits, leases, and applications. District covers area 60 by 130 miles and has nearly 2,000 present and prospective homesteaders, who will be seriously inconvenienced through abandonment. Large oil development now taking place here requires that office data be easily available. Durango office turned back nearly

$4,000 last year after all expenses paid. By reason of extreme isolation this district we urge you to fight to retain office here. Our people unanimous on this question.

THE DURANGO EXCHANGE,
CHARLES E. HALL, *Secretary.*

Petition from the business men of Durango, Colo., protesting against the abolition of the land office in that city

Hon. EDWARD T. TAYLOR,

House of Representatives, Washington, D. C.:

We, the undersigned citizens residing within the Durango, Colo., United States land district, having been informed of the proposed abolishment of the United States land office at Durango, Colo., would hereby respectfully represent that it is our sincere belief that such action would work a real hardship on about 900 homesteaders who have unperfected entries, upon a large number of persons who have been granted leases, prospecting permits, and mineral rights under the different mineral acts, and upon the prospective entrymen for approximately 400,000 acres of vacant lands within the district.

The district served by the Durango office is hemmed in by the high and rugged San Juan, La Plata, and San Miguel Mountains on the east and north, and is extremely inaccessible to any other place to which said office could be removed. Distances are great, traveling is expensive and laborious by railway or other highways. The passable State roads through these barriers are very few and open to travel only about six months each year. The financial status of the average homesteader prohibits his traveling out of the area to a more distant land office in connection with his entry. We believe that few entries can be perfected without at least one or more visits to the local land office for the purpose of inspecting the records or for personal interview. The proposed action would have a disastrous effect upon the future development of the remaining vacant lands within this area.

We are reasonably sure that the office will continue to pay the operating expenses; that the cost of maintaining it is insignificant when compared with the value of the services rendered, and we contend that it is a genuine public need; that the district is entitled to the continuance of the office.

We therefore earnestly request that you, as our Representative, use your best efforts to prevent the removal of the Durango district land office.

L. M. Perkins, Durango, Colo.; J. E. Locke, Durango, Colo.; Fields J. Morris, Fred Cappall, Griffith, Colo.; Dr. C. P. Hillman, Durango; Mrs. F. W. Cunningham, McPhee; M. J. Brennan, Durango, Colo.; Mrs. J. H. McNeil, Durango; A. R. Mollette, Durango, Colo.; Miss Marguerite E. Shields, Durango, Colo.; Mr. and Mrs. H. Johnson, Durango, Colo.; Miss Cleona Parker, Durango, Colo.; H. G. Turner, Durango, Colo.; O. G. Bailes, Durango, Colo.; J. J. Hixkey; Virginia Vagganer, Durango, Colo.; Hotel Savoy, Durango, Colo.; Chas. Fleck, Durango, Colo.; Maggie Fleck, Durango, Colo.; John Fleck, Durango, Colo.; Chas. Langshom, Durango, Colo.; R. B. Hollandsworth; R. D. Hollandsworth; Mrs. R. B. Hollandsworth; W. Bruce Jacobson; Pollard T. Morris; Ernest F. Fritz; W. S. Cummins; M. R. Cummins; Louis Boolo; H. J. Schake; L. Hindelang; W. C. Rogers; L. A. Pryor; Geo. W. Grice; R. W. Turner; Wallace Y. Mollette; J. A. Clay, general manager the Western Colorado Power Co.; P. F. Parkinson, assistant treasurer the Western Colorado Power Co.; John L. McNeil, president Durango Trust Co.; Randolph Williamson; George F. Hutz, secretary the Durango Trust Co.; C. J. Amspiger; M. L. Harrington; R. M. Brown; A. P. Root, jr., for Root & Norton; Joe Greenfield; J. B. Shaffer, Durango, Colo.; E. A. Barker, Durango, Colo.; Wm. Hays, Durango, Colo.; W. D. Murphy, Bloom, Colo.; V. L. Caulson, Durango, Colo.; J. Wirmer, Durango, Colo.; Laretto Conway, Durango, Colo.; James Stimson, jr., Redmesa, Colo.; Frank H. Day, Durango, Colo., R. F. D. No. 1; John Clarke, Durango, Colo.; Ida M. Goodman; Goodman Paint Co.; Ray Goodman; Fred A. Thomass; Hughes' Racket Store, Durango, Colo.; F. R. Graham Hardware Store, Durango, Colo.; L. R. Graham; Rowe N. Pingrey; White Grocery Co.; Edward S. Rawlins; J. A. Pearce; Philip McCormick; David Johnson; A. J. Weinig, Durango, Colo.; Stewart's Pharmacy; M. C. Ford; Richard C. Macomb; W. C. Rudesdorf, jr., Durango, Colo.; Geo. A. Frank; The Briggs Construction Co., by Frank T. Briggs, Durango, Colo.; Sol Thayer; James A. Sleeth, Durango, Colo.; W. E. Fleetwood; E. B. Ellis; Ross D. McCanslane, Durango, Colo.; R. B. Durham; J. S. Barnholt; Parsons Drug Co., G. E. Daniels; J. G. McNass; Durango Lodge, No. 507, Benevolent and Protective Order of Elks, by Garry J. Thompson, exalted ruler; L. K. Wells; W. M. Foley; C. O. Haffey; James B. Deering; W. S. Brithimer; F. J. Hapfinger; Max G. Bohlick; A. L. Kaufman; P. A. Young; Geo. H. Birger; W. H. Wicklove; Louis Werker; M. Scott Starr; Eugene Andrews; A. L. Kroeger; A. R. Reeder; Jno. F. Gamby; J. D. Hollberg; C. A. Roessler; R. E. Hutchinson; H. C. Strobel; W. E. Buchanan; A. J. Chitwood; Durango Democrat, by Rod S. Day; Geo. V. Day; James R. Noland, associate editor Democrat; Thos. H. Tulley, formerly principal clerk United States Senate, 1913–1919; James M. Noland; D. E. Maynard, M. D.; Yellow Cab Co.; F. W. Pinkerton; The Strater Hotel Co.; H. L. Edwards; L. C. Myers; Grace L. Byrnes; Lela Timion; George Smith; Perry & Co., by John Perry, jr.

I also insert herewith a telegram from the civic and mining organizations of Leadville, and a statement from a committee of prominent business men of that city, which are self-explanatory:

LEADVILLE, COLO., *December 2, 1924.*

Hon. EDWARD T. TAYLOR,

Representative from Colorado, Washington, D. C.

DEAR SIR: We respectfully request that you give earnest consideration to our protest against the contemplated steps to abolish the Leadville land office. In making this protest we speak on behalf of the people of this entire mining area of central Colorado, as well as the various civic bodies and mining groups. The Leadville land district embraces all of the important mining districts of central Colorado, and the location of the land office at Leadville is not only at the geographical center of this district but is also the railroad and business center of the area served. The business of the land office for this district has been for 40 years preponderantly mining, and the sales of land have been largely on mineral entries, not only in the unreserved areas but also very extensively in the much larger areas within the forest reserve. There still remains a very great area of unsold and unappropriated public land, especially within the forest reserves, and much of this area is mineral land suitable for preemption for mining purposes. While the business of the land office at Leadville has dwindled very markedly during the last three years, coincident with the slump in mining activities, that condition is only temporary and the business of the office will undoubtedly resume its former magnitude following in the wake of the present increase in mining activities.

The office always has been, and now is, more than self-sustaining.

There are 7,100 plats of mineral entries on file in this land office which form an invaluable source of information for the mining men of this district and are in daily use.

The principal occupation of the people of this district is mining, as is shown by the production of more than six hundred million from mining, and the land office supplies the only competent and complete record of the property rights on which this industry is based.

The removal of this office would not only be a severe hardship on the mining industry of this district but would seriously impair the completeness and usability of these records.

At present the land office is comfortably housed in the Federal Building and the records of the office are safely and conveniently arranged so that they can be readily referred to.

There is no other requirement for the space now occupied by the land office, and it would probably stand vacant if the land office were removed.

We consider that the trifling economy that might be effected by the removal of the land office would be dearly paid for by the hardship this removal would work on the people of this entire district.

Respectfully,

CIVIC AND MINING ORGANIZATIONS OF LEADVILLE.

LEADVILLE, COLO., *December 3, 1924.*

Hon. EDWARD T. TAYLOR,

Representative from Colorado, Washington, D. C.

DEAR SIR: We respectfully request that you give earnest consideration to our protest against the contemplated steps to abolish the Leadville land office. In making this protest we speak on behalf of the people of this entire mining area of central Colorado, as well as the various civic bodies and mining groups.

The Leadville land district embraces all of the important mining districts of central Colorado, and the location of the land office at Leadville is not only the geographical center of this district but is also the railroad and business center of the area served.

The business of the land office for this district has been for 40 years preponderantly mining, and the sales of land have been largely on mineral entries, not only in the unreserved areas but also very extensively in the much larger areas within the forest reserve. There

still remains a very great area of unsold and unappropriated public land, especially within the forest reserves, and much of this area is mineral land suitable for preemption for mining purposes.

While the business of the land office at Leadville has dwindled very markedly during the last three years, coincident with the slump in mining activities, that condition is only temporary, and the business of the office will undoubtedly resume its former magnitude following in the wake of the present increase in mining activities. The office always has been and now is more than self-sustaining.

There are seventy-one hundred plats of mineral entries on file in this land office, which form an invaluable source of information for the mining men of this district and are in daily use. The principal business of the people of this district is mining, as is shown by the production of more than six hundred million from mining, and the land office supplies the only competent and complete record of the property rights on which this industry is based. The removal of this office would not only be a severe hardship on the mining industry of this district but would seriously impair the completeness and usability of these records.

At present the land office is comfortably housed in the Federal Building and the records of the office are safely and conveniently arranged so that they can be readily referred to. There is no other requirement for the space now occupied by the land office, and it would probably stand vacant if the land office were removed.

We consider that the trifling economy that might be effected by the removal of the land office would be dearly paid for by the hardship this removal would work on the people of this entire district.

Respectfully,

JESSE F. MCDONALD,	W. A. S. PARKER,
FRED J. MCNAIR,	WILLIAM MCCALLUM,
M. A. NICHOLSON,	JOHN CORTELLINI,
J. M. KLEFF,	GEORGE O. ARGALL,
WM. M. HARVEY,	S. P. MCDONALD,
A. G. THOMSON,	H. G. MCCLAIN,

Committee.

Mr. TAYLOR of Colorado. I yield back the balance of my time.

Mr. BUCHANAN. Mr. Chairman, I yield 40 minutes to the gentleman from Missouri [Mr. JOST].

The CHAIRMAN. The gentleman from Missouri is recognized for 40 minutes.

Mr. JOST. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. JOST. Mr. Chairman and gentlemen, I desire to call your attention to, and say a word in behalf of, H. R. 5417, a bill which, if passed, will direct the Secretary of War to investigate the feasibility and ascertain and report the probable cost of establishing a national military park in Kansas City, Mo., or its environs, commemorative of the Battle of Westport.

That battle was fought in the Civil War, in 1864, on the 21st, 22d, and 23d days of October. This bill has the unanimous favorable report of the Committee on Military Affairs, and was put upon the Unanimous Consent Calendar by the gentleman from Tennessee [Mr. REECE] in charge of it. On June 4 it was stricken from that calendar on objection of the gentleman from Ohio [Mr. BEGG]. I am sure that the gentleman from Ohio would not have objected had he understood the purpose and scope of the bill. I was not present at the call. The gentleman from Ohio was not informed concerning the purpose and object of the bill, and it was natural and not surprising that, in the performance of his assigned duty as the watchdog of that calendar, he, lacking information, should object to its consideration.

It is on the Consent Calendar again. I am satisfied that with a full understanding there can not be any possible objection to it.

The bill does no more than direct an inquiry into the merits of the matter and a report to Congress by the Secretary of War. There is no authority within its four corners to acquire any property, and it carries no appropriation. The commission to be appointed by the Secretary of War, which is to act as advisory to him, must serve without compensation. The expense of making the investigation, so far as the War Department is concerned, will be comparatively trifling and will be borne from the contingent expense of the Army.

The form of the bill is in accordance with the suggestions of Assistant Secretary of War, Colonel Davis, and the phraseology is borrowed from a like measure passed by Congress providing for a preliminary study of a proposed park commemorative of the Revolutionary engagement at Yorktown.

Just a word about this Battle of Westport. Of course, there were many battles fought in the Civil War, but this one has a singular meaning and significance to the people of that part of the country. It was a most important chapter in that vital epoch of American history. It continued for three days. The battle line ranged from the city of Independence, about the middle of Jackson County, west to the Kansas State line. The decisive engagement occurred south of what was then the village of Westport, now a part of Kansas City, Mo. The Stars and Stripes were sustained by 20,000 troops, drawn from the United States Regular Army and from six States—Illinois, Iowa, Colorado, Kansas, Wisconsin, and Missouri. The Confederate colors were backed by 9,000 of the best blood from Arkansas, Texas, and Missouri. The commanders on both sides had already achieved fame on other fields of valor. Curtis and Pleasanton directed the northern forces, while the southern army was commanded by Marmaduke, Sterling Price, and that spectacular cavalry leader, Joe Shelby. Note you that only Missouri contributed soldiers to both sides of the battle line. There were 24 Missouri units that wore the gray and 26 Missouri units that wore the blue.

For three days they were in deadly grip, first one side having the advantage and then the other, until finally, at the close of the third day, the northern sabers pushed the remnant of that heroic southern army back into a dignified retreat that marked the final supremacy of Old Glory in that section of the country and knitted Missouri and that borderland to the Union forever and forever. Of the hundreds and hundreds of maimed and dead left on the field, by far the greater number were Missouri's own boys.

In that State martyrs for the lost cause and champions of the national integrity came from the same neighborhoods; aye, oftentimes from the same fireside. The Civil War in that section of the country was a vastly different thing from what it was in the ultra Northern and Southern States. In Massachusetts and in South Carolina it was a sectional conflict; but out in Missouri it was truly and really a civil war, an internecine strife, a domestic quarrel, that divided and disrupted neighborhoods, friends, and families.

It was a tremendously serious thing there. It was the culminating event of a decade of border warfare along the Kansas and Missouri line that provoked the most extreme bitterness and hatred. It was a day of final settlement. It was the most gripping and momentous factor in the infancy of Kansas as a Territory and Commonwealth and in the regeneration of the political thought of Missouri. There was not a household up and down that border of any note but what had one or more of its men folk in that Westport fight.

"Jim" Lane, who helped shape the early history of Kansas and afterwards became a United States Senator from that State, was there commanding a unit of the Kansas troops. John J. Ingalls, Preston B. Plumb, and Edmund Ross, all of whom afterwards served Kansas with distinction in the United States Senate, were in that battle, as also was Samuel Crawford, who became Governor of Kansas, and whose daughter is the wife of United States Senator CAPPER. A thousand other names which later found places on the pages of the history of this Nation and of Missouri and Kansas were on that battle roster.

That event touches intimately and sentimentally every family which had to do with the starting and prospering of those two States. It goes to the very core of our community life. It means a lot to us. When our State capitol building was recently completed there were a half dozen outstanding events in Missouri's history which were deemed worthy of the artist's brush for its mural decorations. Of these, two paintings depict two scenes of the Battle of Westport. It is the subject of poetry and song.

Clara Virginia Townsend, in her inimitable poem entitled "The Battle of Westport," gives the word picture thus:

With neighing steeds and struggling ranks, and cannons' deadly roar,
The Gettysburg of this, the West, was fought 'mid wild uproar.
All day the carnival of death. At eve, when closed the day,
A thousand lay in huddled heaps—still heaps of blue and gray.

Awake, O Kansas City! Make this hallowed spot your own;
Immortalize our hero dead in bronze and sculptured stone.
Save from commercial use this land, and let not profit sway
Your hearts from honor to the dead, our dead, the blue, the gray.

Fifty-nine years after the battle another young poet, Guy Blue, paid tribute to "Westport's Heroes" in verse deemed worthy of publication by the Kansas City Star:

Full fifty-nine years now have fled
Since Westport's battle fray;
And the chieftains hold a conference
In the glory world to-day,

Where Sterling Price and Pleasonton
Smile at the earnest way
Jo Shelby clings to Curtis,
While comradely they say:
"There's Moonlight now a coming,
And Philips on the way,
And Marmaduke with Crittenden,
They'll all be here to-day,
Along with nearly all our boys
Who wore the blue or gray."

Full fifty-nine years now have fled
Since Westport's battle fray;
And the troopers with the living
Are few and old and gray.
For they who fought at Byrams Ford
Or charged that bloody day
Have answered to the last roll call
Or await the reveille.
And they were men of valor,
Who could fight and who could pray;
They furled the flags of battle
And marched with peace away.
They lived and died as heroes,
Who wore the blue or gray.

Col. T. T. Crittenden, who commanded one of the Union regiments of Missouri Cavalry and was wounded, became Governor of Missouri 20 years later, and was followed into that same office by General Marmaduke, against whom he fought. Hon. John F. Philips, who commanded a Union brigade, later became judge of the State supreme court and Federal judge of our district. While he was Federal judge Gen. Joe Shelby, whose cavalry had directly opposed him in that battle, became the United States marshal of his court under an appointment from President Cleveland. It is a singular thing that in Missouri and Kansas, where the pre-war rancor and hatred was more intense than in any of the Northern or Southern States, enmities and animosities subsided and died out quickly with the ending of the war, and within the lifetime of those who had engaged in it erstwhile enemies had become friends, and love had triumphed over hate. The tragedy of Westport is a soft memory now. The brave lives that were ended there were so many sacrifices on the altar of the Republic. No better quality of courage and valor has ever been displayed on any field. We earnestly feel that the Government should help us pay a proper and lasting tribute. National parks of the character we seek are not only evidences of the Government's respect for those who made the supreme sacrifice in its service, but in an instance of this kind there is also included a note of forgiveness for those who erred. Moreover, such national recognition in different parts of the country binds the States together more strongly by the silken cord of a common sympathy and makes us a stronger and better people.

The project to which I have directed your attention has long been a hope and dream of the Missouri Valley Historical Society. That large organization, composed of Missouri's representative men and women, has been untiring in its effort to make that hope and dream a reality. The United Daughters of the Confederacy, the Women's Relief Corps of the Grand Army of the Republic, and organizations of Confederate veterans and Grand Army of the Republic posts are equally enthusiastic. Such patriotic organizations as the Sons and Daughters of the American Revolution have an aggressive interest. The chamber of commerce and all civic organizations of Kansas City are supporting the movement energetically. The Missouri societies in this and all large cities of the country are cooperating.

Again and again have the newspapers of the State and our city given strong indorsements. I quote from the Kansas City Journal-Post of November 5, 1923, in part its editorial of the day, entitled "Westport Battle Memorial," being copied by it from the St. Louis Globe-Democrat:

A movement to convert a part of the field of the Battle of Westport into a national park and to erect a monument to the Union and Confederate soldiers who died in that engagement is said to have aroused interest in Kansas City. It is being furthered by the Missouri Valley Historical Association of that city, and a committee has been appointed to take up the matter at Washington.

Near the little village of Westport the army of Gen. Sterling Price was defeated by that of General Curtis, and the last great raid of the Confederate general was brought to an end. The battle is called by some "the Gettysburg of the West." * * *

* * * The names of those who engaged in the Battle of Westport and who have fame elsewhere in the history of Missouri are not a few, and not only in Kansas City but in all parts of the State there will be sympathy for the movement to set aside a space to the memory of those who did not survive.

The Kansas City Star on May 4, 1924, contained the following editorial, which I read:

There is reasonable hope the Jost bill for a survey with reference to the later establishing of a national memorial park somewhere in the field of the Battle of Westport may be passed in this session of Congress. The bill already has the approval of the House Military Affairs Committee and is said to be sure of friendly and earnest promotion in the Senate.

The bill does not provide for the selection of a site for such a park, nor does it include an appropriation for the purchase of the land necessary. Even the commission that would be authorized to make an investigation and submit a report to Congress would serve without pay. Therefore, it would seem that no reasonable objection could be offered to its passage.

As to the merits of the project itself, they, too, seem obvious. The Battle of Westport was an important engagement of the Civil War. It marked the farthest-west engagement of that conflict. It was the turning point in the westward movement of the Confederate forces. The battle itself had its unique and very dramatic features.

Suitable sites could be found to set aside for permanent memorial purposes—sites on which actual fighting took place. The most interesting, of course, is that of the country club, which, unless utilized in some way for permanent park purposes, will be cut up into residence lots in a few years. And that would be a pity. It would be the loss of one of the most attractive spots in Kansas City and in a section in which a permanent park would be especially desirable.

Mr. Chairman, at the last session of this body the District Committee, of which I have the honor to be a member, commissioned me to pass upon and report to this House a measure incorporating the Grand Army of the Republic. That bill was in the nature of a legal obsequy on the passing of a grand old order. It is calculated to preserve the property of that institution and, with the departure of the last survivor, work an application of its assets through a trust to the establishment of some appropriate testimonial to the history and service of that splendid organization. You passed the bill. My mind then dwelt seriously, as it does now, on the stupendous importance and the far-reaching consequences of the Civil War.

It was an inevitable thing in the history and development of this country, or, as Horace Greeley has very aptly entitled his splendid work on the subject, "An Irrepressible Conflict." It was unavoidable. The seeds of the trouble were planted in the very inception of the Government. The very cause of it was written in the United States Constitution. The eloquence of Webster and of Hayne availed nothing; mere words could not settle that issue, however eloquent they might be; it took blood and tears to do that. But that blood and those tears made us a Nation, and what a Nation! Since that day surely we have been an instrument in God's hand for the promotion of the welfare of mankind. In 1898 we stayed the hand of the Spanish butcher on our doorstep, and 20 years later became the deciding factor in the world-wide conflict which ran the rivers and drenched the soil of Europe afresh with blood. And yet when we finished that work we sought no reward.

We asked for nothing save the peace of the world and the welfare of humanity. [Applause.] Yet we lacked unity, national unity; we were weak, we did not amount to anything as a world factor until Appomattox, when the greatest general that the world ever saw or ever will see delivered his sword under compulsion and attested the enduring unity of this Republic. [Applause.]

It has been 60 years since that conflict ended. The bitterness of it has passed. The survivors are very few, but whether they wore the gray or whether they wore the blue we love them now dearly and appreciate the work they did, because it was essential to the very territorial and political existence of this Nation.

We have two of those old, grizzled warriors in this House, the gentleman from Ohio, General SHERWOOD, of the Union forces, and the gentleman from North Carolina, Major STEDMAN, of the Confederate Army. Both of them wear the white lace of age upon their brow, and they wear it with distinction and honor. [Applause.]

Sixty years ago they were contending against each other, full of animosity, striving to maintain the right of their respective causes. But to-day they fraternize in this House and in their daily life, going forward in a mutual desire to serve this land and push the prestige and dignity of the Stars and Stripes to the highest possible pinnacle of influence for good in the family of nations. [Applause.] And they but typify that feeling and fraternity which exists all over the country among

those who are left of the contenders in the strife of the sixties. It has been a singular honor and a high privilege accorded to me, one that I value beyond expression, to have been the official companion of those two splendid gentlemen in this House. Each by his courtliness and chivalry has charmed his way into the very center of my heart, and I know into the hearts of all of you. God bless them both and give them many days to come. [Applause.]

Give me this bill when it is reached. It does not cost anything. Let us find out if this proposition is meritorious. You can trust the Secretary of War to make an impartial report about it and you can determine on his report whether you want to do the thing that we in our section hope and pray you may conclude to do. Give us this national recognition and help.

Does all the poetry of the national life cling to Plymouth Rock and Yorktown and those places up and down the Atlantic coast? Have we not something in the West—the Middle West—comparable in hardships and in struggles and in sacrifices that have gone to make and build up that splendid section of the Union and made it a part of the vitality of this Republic? We have done our part, not so early, it is true, and in another and different way, but the heartaches and the tears of our mothers and the blood of our sons have helped write American history. [Applause.] Give us this as a memorial to that which is the very essence of our community life. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman from Missouri yields back 18 minutes.

Mr. BUCHANAN. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I want to call the attention of this House to something that has grown out of the work of the Agricultural Department of this Nation. Just a few days ago in the great city of Chicago there was held an international livestock exposition, which was a great show.

At this exposition a boy from my district named Ford Mercer, of Wellston, Lincoln County, Okla., was decided to be the champion boy of the boys' clubs of the world. I am proud that a boy who is the champion of 700,000 club members, growing out of the work of the Department of Agriculture in the United States, should be found in my district in Oklahoma—Ford Mercer, of Wellston, Okla. [Applause.]

This is a wonderful work and is doing a great amount of good for the agricultural interests of the country. To illustrate what it did in this case, the boy's mother and father, so I am told, were not favorable to the club, and when this boy joined the club, which the county agent organized in his community, his parents were not pleased at the time. Out of it all now comes this boy who wins the highest prize from all the boy clubs, having a membership of 700,000 throughout this country.

This illustrates that one of the things America needs in her agriculture industry is education and training. If you will train the farmers and give them a better opportunity they will learn the scientific methods of farming. The United States has been so well taken care of by nature that we have not given very much attention to the scientific side of agriculture. We have had such fertile lands and such fine natural resources that a farmer would just hitch up his horse and go out and plow in a happy-go-lucky manner, and if the season is all right he makes a crop, without giving any attention to the kind of soil he has or whether the seed he uses is the proper kind for that soil or whether the soil needs fertilizer, and if so, what kind. If the Department of Agriculture of this Government will continue this work, having 700,000 boys and girls enlisted in these clubs throughout the country, the results in this country are going to be most satisfactory. The results will be felt in the production of wealth, because I have always contended that agriculture is the foundation of our national wealth, and we will all eventually have to look to agriculture, and when we go out and educate the boys and girls of this country along the lines that are being pursued now, we are going to build up a better class of citizens and a very much better class of young farmers and agriculturalists, who will get the taste for more knowledge from these clubs and from this work that is now going on. I just thought that this House would like to know something of the work that is being done by the Department of Agriculture in the way of educating the young and rising generation along the lines of agriculture. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield 20 minutes to my colleague from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, the gentleman from Ohio [Mr. BURTON] a few days ago in this Chamber delivered a very interesting address, a very philosophical address, in which he undertook to draw a number of important, satisfying, and comforting lessons that were to be deduced from the recent presidential election. Anything that the gentleman from Ohio may have to say is always heard with sincere interest wherever his reputation for ability, travel, and experience is known. It was quite natural that the gentleman from Ohio should be able, better than any other member of this body or of the body at the other end of the Capitol, to analyze and take apart, as it were, the motives and the actuating forces that brought about the tremendous Republican victory in November. That is true, because the gentleman from Ohio was the temporary chairman of the Republican convention that met in Cleveland, and in that capacity it was his function to deliver the keynote address. Naturally, like a great general, like a great strategist, since he there laid out the plans of the campaign, since he there emblazoned on the banners which his host was to carry forward the watchwords and the battle cry, it is very comforting and satisfying now, after the victory has been attained, for him to come before this Chamber, with a great deal of modesty, I am sure, and yet with pardonable pride, and point out to the country the result of his mighty handiwork.

As a member of the Democratic Party and only as a private individual of that party, I want to say that we come not in this Chamber or elsewhere to offer any alibis as to the recent contest in which we were so overwhelmingly defeated. That is not our policy nor shall we undertake to complain or whine at the election or at the action of the American people.

It is one of the glories of democratic institutions, it is one of the glories of a republican government, that the people have the right to set up that form or fashion of government which may suit their taste or meets the dictates of their judgment, irrespective of whether that form meets with the favor or approbation of any political party or not. It is one of the glories of the people in their sovereign capacity that they have the right, if it is their pleasure to will it, to embrace any sort of political policy they may see fit to embrace. They have a perfect right if they desire to do so to fritter away their best opportunity and embrace that policy which will not conduce to their highest happiness and well-being. They have the right to have that form of government and that kind of administration which they desire. Believing in these political principles, the Democratic Party is the last party in this land to gainsay their right or to complain of its exercise.

Now, the gentleman from Ohio [Mr. BURTON] made a rather significant statement when he said that in the recent campaign the people did not seem to be disposed to pay much attention to charges against public officials. I do not want to misquote the gentleman from Ohio, so I have brought with me a copy of his remarks. The gentleman is absolutely correct in that statement. Here is what he says:

> The voters were not disposed to give much attention to the numerous charges against public officials as the real issues of the campaign.

There is no quarrel between those of us who sit on this side of the Chamber and the gentleman from Ohio. We realize that the people of the United States did not seem to attach any importance to the charges that were made in the campaign. But I can not agree with the implied if not expressed conclusion of the gentleman from Ohio that that state of public mind is to be accepted with satisfaction. [Applause.] We realize that it was true; we realize that the voters did not seem to attach much importance to such charges. But instead of drawing "a lesson" from that fact many of us on both sides of this Chamber must regret that such is the fact.

We must here rededicate ourselves to an endeavor to revitalize the public conscience in order to repel the conclusion that we look upon such things with satisfaction. It is more important, gentlemen—and I am speaking to both sides of the Chamber—it is more important to those of us in public life that that kind of attitude of public mind be corrected than to any other class of our citizenship. For our own reputation, for the safety and security of the Republic, and for the maintenance of high ideals of public service, this Chamber and the other Chamber should be more concerned than any other class of citizenship in seeing to it that the public may look to us and realize that if elsewhere there may be wrongdoing, if elsewhere there may be disregard of high ideals of citizenship, that in this Chamber and in the other Chamber, under this splendid dome, there should always reside the highest and purest ideals of civic virtue and civic courage. [Ap-

plause.] While I agree with the statement of fact of the gentleman from Ohio [Mr. BURTON], I rather regret that a gentleman of such distinguished service, covering such a long period of years, should seem to find comfort in the fact that the people of the United States in the great campaign seemed to be indifferent to such charges because of a general belief that many of them were made for "political capital." I do not mean to revive those charges; I do not mean to complain of the result of the election; but I do mean to complain that, regardless of whether we are Democrats or Republicans, regardless of whether the charges are true or false, the real issue before the American people ought always to be, when charges are made, a trial of the issue. Indifference never. If guilt be found, then the people should bring to bear condign punishment, and if the charges are baseless, they should be rejected. That is the point I wish to make. My complaint is not that they ratified innocence. My complaint is that they seemed, in the language of the gentleman from Ohio, to be indifferent as to whether the accused were innocent or were guilty. That is what I am preaching against here to-day.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. CHINDBLOM. Of course, I do not dissent from the views expressed by the gentleman from Texas——

Mr. CONNALLY of Texas. I did not assume that the gentleman would.

Mr. CHINDBLOM. But I ask him whether a further reading of the remarks of the gentleman from Ohio [Mr. BURTON] would not bring out that he entertained exactly the same views as does the gentleman from Texas. I call attention to this sentence in the remarks of the gentleman from Ohio, as delivered on the 4th day of this month:

> This was not due to any lack of insistence upon honesty or absence of interest in the punishment of the guilty. It must be especially emphasized that dishonesty or failure of duty on the part of those in the public service, whether their station be high or low, must be relentlessly prosecuted and severely punished.

Mr. CONNALLY of Texas. That is true. Does the gentleman desire to ask a question?

Mr. CHINDBLOM. Does not the gentleman think some of this criticism is met by those words?

Mr. CONNALLY of Texas. I shall answer the gentleman. I could not conveniently quote all that the gentleman from Ohio said. What the gentleman from Illinois has quoted is a part of the language of the gentleman from Ohio. Of course, I do not believe that the gentleman from Ohio [Mr. BURTON] believes in condoning those things, but what I complain of is his statement that the public seemed to be indifferent to them, and he seemed at least by inference to draw some satisfaction from the fact that this was one of the lessons to be drawn from the recent election. Of course, the gentleman from Ohio knows that these things were wrong. Of course, he does not condone them. Of course, he condemns them, but I am talking about this attitude of the public mind. However, we shall pass on from that.

The real attitude of the public mind ought to be to try such charges, and if a man be guilty punish him, whether he be a Democrat or a Republican. If he be innocent, then vindicate him. The attitude of indifference as to whether he is guilty or innocent is one that if persisted in will destroy the structure of our institutions.

The gentleman from Ohio draws a great deal of satisfaction from the fact that the recent election vindicated the sanctity of the Supreme Court and the Constitution. If the gentleman from Ohio would but consult the history of his country, he would find that in making that kind of a decision there was no rejection of Democratic doctrine. The Democratic Party came into being in this Union proclaiming a passionate attachment to the Constitution, and first came into power through fighting the invasion of the Constitution by the Congress itself in enacting the alien and sedition laws. The followers of the Democratic Party have always been sticklers for the Constitution. The Democratic Party believes the Constitution was made to protect man and to guarantee his rights. It is true that the recent election did reject the policy of vetoing judicial decisions, but that theory did not come from the Democratic side of this Chamber or from the Democratic Party. That doctrine came from the Republican side. It came from gentlemen who have been consorting in this Chamber with the gentleman from Ohio [Mr. BURTON] and his colleagues on the Republican side. It came from the La Follette or so-called progressive republican party. Of course, the gentleman from Ohio would now reply: "It is true that we have been consorting with these gentlemen in the past, but now the Republican Party is going to read them out of the party and throw them into outer darkness where there shall be gnashing of teeth and snatching out of hair." Of course, throw them out.

I believe they ought to be thrown out of the Republican Party. Has not the Republican Party got sufficient votes in the next Congress to elect a Speaker and a floor leader without the cooperation of the gentlemen from the Northwest who entertain such political heresies, who hold such dreadful views? Throw them out, of course. There will not be any vote in the present Congress where their votes will be needed, and in the next Congress the Republican conference will have sufficient votes to control the destinies of Congress without the honorable gentleman from Wisconsin [Mr. NELSON] and his militant little band of freethinkers. Throw them out! Why, the gentleman from Ohio [Mr. LONGWORTH] can be elected Speaker without their votes. Say to them that you do not need them. I do not blame you very much about that. It is true that in this present Congress you did need them, but circumstances alter cases. In the last session of this Congress it is true that the gentleman from Wisconsin and his little band were eating cake. They were sitting right up in the front row. He was a member of the Rules Committee. They were petted and pampered, and no doubt cajoled and entertained by their Republican colleagues, but their votes were needed then for the election of a Republican Speaker. They were promised the McNary-Haugen bill in the last session. Of course, you will never hear any more of that bill. Why? Because the election is over. It ought to be called the "hogging bill," because that is what the Republicans were trying to do. They were trying to hog the farmer vote, and they seem to have succeeded and have hogged the northwestern farmer vote and put it away down in their ballot box. [Laughter.] You will never hear any more of the Haugen bill. Why? Economically, if the Haugen bill was sound last June it is sound now. If it was sound last spring, it will be sound next spring. If it was sound last spring, it will be sound next winter when the next Congress convenes.

Gentlemen on the Republican side, and some of them hard-boiled Republicans, stood here with political tears running down their faces and fervently declared that they had to do something for agriculture and that there was nothing in sight but the Haugen bill. They said that it was sound and that it was right and that it was just; but the poor old Haugen bill sleeps out yonder on some silent hillside, with not a stone even to mark its last resting place. I helped put it there because it was unsound, but I thought some of the Republicans would resurrect it; I thought some of them really wanted it to revive; I thought they would bring it back here; but after the election I knew it was good-by to the Haugen bill. It has served its purpose; it has run its race. Peace be to its ashes!

May I have 10 minutes more?

Mr. BUCHANAN. I yield to the gentleman 10 minutes more.

Mr. CONNALLY of Texas. Now, gentlemen, what else do we find? The gentleman from Ohio [Mr. BURTON], the former Senator, made a most excellent speech in some regards. On the floor of this House he repelled the charge that the Government or any of its institutions had fallen under the influence of big business or what is known as the "interests"; and I know of no other man better qualified to make that statement on the floor of the House than the gentleman from Ohio, because he knows big business and he knows every branch of the Government, and he says they are not influenced by big business. And so he proceeds to cite a number of legislative enactments which, he says, proves that the Government is not influenced by those great interests and that in those respects it is really serving the American public.

I am glad that he did. What does he cite in justification for that statement? Why, he points with a great deal of pride to the interstate commerce act of 1887.

Gentlemen, I would like to remind the gentleman from Ohio that this old Democratic Party, which so many are ready to inter after each of its defeats—I would like to remind him that it was this old Democratic Party of ours which in a Democratic administration, the first administration of President Cleveland, put on the statute books the interstate commerce act, which pioneered that great field of Government regulation and fixed a policy that has governed this country ever since. [Applause.]

And I am glad to hear the gentleman from Ohio say on this floor—although his commendation is rather belated—I am glad to see him come here and admit that one of those Democratic acts is responsible for a policy he approves, a policy that has been followed by the Government unto this day.

And again, the gentleman from Ohio points to the Federal Trade Commission—though not in specific terms, at least impliedly he seems to approve of the establishment of that organization—and I again remind the gentleman from Ohio that it was a Democratic administration, under President Wilson—a Democratic administration of only a few years ago—that enacted that really constructive piece of legislation and thereby adopted a policy which I hope our Republican friends, now in possession of all the branches of the Government, will not assail and will not destroy. But as I turn my eyes and see the Chairman who sits now before you, the gentleman from Massachusetts [Mr. TREADWAY], that language does not seem to sit with equanimity on his soul, because I saw him stand in this Chamber and heard him inveigh against the Federal Trade Commission and seek to limit its appropriation and seek to paralyze the activities of that governmental agency. So that when the gentleman from Ohio comes to take credit for those things he should remember that the Democratic Party, while it may not be in power now, has served the country in the past and will in the future, even if we serve it in the ranks, and without office and without places of power. [Applause.]

Oh, the gentleman from Ohio cites some other legislation. He says that the income-tax legislation is one of the great evidences of the fact that the Congress and the Government are not influenced by the great interests and are really serving the American people. When was the voice of the gentleman from Ohio raised heretofore in this Chamber in behalf of the income tax as it stands to-day on the statute books? I must refer that gentleman, who is so learned in history, that gentleman who is able to quote the Greek classics and to go with Herodotus in his wanderings over the Greek isles, and to travel, perhaps, with Xenophon and his Ten Thousand in the Anabasis, in their wanderings in the Orient—I must remind him that he must have encountered among his more recent rambles some fresher history, and urge him to recall the fact that it was a Democratic Congress that placed the first income tax on the statute books; and long before we placed it on the statute books Democratic Members of Congress, cooperating with a few of Republican persuasion from the West, were able to submit an amendment of the Constitution permitting the levying of that tax. After the Supreme Court had held it was unconstitutional, Democratic platforms year in and year out demanded that the income-tax system be established, until when we came into power we made good our platform and wrote it into law. [Applause.]

I am glad the gentleman from Ohio finds satisfaction in the income tax law. It is true that in detail the gentleman does not approve of that proposition. In detail he does not agree with the present high surtaxes. But I do not criticize him for that. He has the same right that the country has; he has the same right to exercise poor judgment and fritter away his opportunities of service, just as the country has done when it adopts a political platform and supports a political party that will not give it the highest degree of service.

What does the gentleman from Ohio finally conclude? The gentleman from Ohio says that $4,000,000 is not a large campaign fund; that it is not political parties or candidates that are really responsible for political campaign funds being raised, but it is owing to the fact that—

> it is not a political party or the candidate for office who is chiefly responsible; it is rather that inactive mass of voters who only go to the polls when urged and whose study of the problems of the time is so superficial that their conclusions are likely to be erroneous.

Now, if that is true, if the inactive mass is so large and their understanding so poor, when you remember that the Republicans had $4,000,000 and the Democrats had less that $1,000,000, the conclusion irresistibly follows that they were able to induce four times as many as we were able to influence to get them to the polls, and they were able to enlighten and make understand four times as many as we were able to induce and enlighten. [Laughter.] I am surprised at the gentleman from Ohio. He is not in agreement with the President in this, although he was elected on a platform of following and agreeing with the President. The President in referring to the election says:

> I can only express my simple thanks to all those who have contributed to this result and plainly acknowledge that it has been brought to pass through the work of a Divine Providence, of which I am but one instrument.

And here is the gentleman from Ohio passively admitting that it was $4,000,000 that got inactive fellows to the polls and enlightened them after it got them there. [Laughter and applause.] May I have five minutes more?

Mr. BUCHANAN. I am sorry, but I can not yield the gentleman more time.

Mr. CONNALLY of Texas. Then I must hurry along. Now, gentlemen of the House, I can not conclude my remarks, but listen: The Democratic Party is not dead. [Applause.] It has been defeated many times in the past. The Democratic Party is defeated, but it is not dejected.

Mr. BUCHANAN. One of the gentleman's colleagues from Texas intended to use some time, but he has said he is willing to give it to the gentleman, so the gentleman may have 10 minutes more if he wants it.

Mr. CONNALLY of Texas. I thank you. The Democratic Party is beaten, but it is not dishonored. It is going to live to fight another day. But office and distributing patronage, according to its creed, is not the chief of all political ends. It is ready to serve its country and its people, though it has to go down and serve in the ranks, in the rear ranks, if necessary.

Gentlemen, if this situation continues—if the great interests of monopoly as against the man, if the great trend of combination as against the individual—if this trend goes on in its mad rush, crushing out small business and individual enterprise, the Democratic Party will stand, as it has stood in the past and as it now stands, for the rights of the individual and for the rights of the citizen. [Applause.]

This seems to be a day of reaction. Why, did you know that recently in Great Britain the Tory Party, the Conservative Party, was returned to power by the greatest majority held by any party for many, many years? The great Liberal Party, the party of Gladstone and other famous Britishers, has almost disintegrated. Great Britain, repudiating the great leader that led it through the war, has gone back to extreme reaction.

Why, in Italy Mussolini, a dictator, a tyrant, has seized upon the reins of government and is reigning like an autocrat, suppressing the press and adopting other repressive measures, while in Spain, hard by, a military dictator dissolved the Cortes, the Parliament of Spain, and rules like a sceptered king. So this great period of reaction and of autocracy seems to be circling the whole globe. But the Democratic Party is not dismayed. We are not here to apologize; we are not here to render alibis; we are here simply to say that when the time comes—and it will come, and will come soon—when the people realize that the Democratic Party is needed, as well as when some great crisis faces the Republic, the American people will turn to it, and when they turn they will find the Democratic Party, as they have found it in the past, ready to serve, not for pelf but ready to serve because it loves to serve more than it loves spoils, and because it loves its country more than it loves office. [Applause.]

Why, this is a day of consolidations; this is a day of mergers. Every day greater and larger and stronger mergers of capital and of wealth and of power and of industry are taking place. The President in the White House sends us word to consolidate the great transportation lines of the country. Big and bigger and yet bigger business is in the saddle. If this trend toward mergers, toward consolidations, and toward combinations goes crushing its way down through the years it will grow ever more reckless and ever more ruthless, and finally the time will come, if it is not halted, when it will meet another great mass, when it will meet great hosts of socialism that shall rise up to oppose it. Then will come a time when there will beat against it a red sea of communism, a sea as red as the sea that engulfed Pharaoh's army.

Can you not hear in Russia now the wild waves of such a sea beating against that unhappy land? Denunciation and repression will not calm such a storm-tossed sea. There was an old Persian king who once commanded his servants and his soldiers to lash and beat the sea in order to stay its fury. The Russians tried that; the Czar and the privileged classes tried that; but the knout and the snows of Siberia did not stay the waves of such a sea. But, my friends, when that time comes God save the Democratic Party for that hour. [Applause.] The Democratic Party then will stand, as it now stands and has stood in the past, between these extremes. It will stand against great, selfish, favored, and preferred interests, on the one hand seeking to exploit the people, and against the maddened mob that has been aroused and infuriated by its wrongs. It will stand then, as it stands now, side by side with the Constitution of its country. It will stand then, as it stands now, by the side of honest and lawful wealth against the depredations of the marauder; and it will stand then, as it stands now, by the side of the citizen, by the side of the man, by the side of the individual man, against the aggression and the oppression of the organized interests which have received the favoritism of government. It will stand against these interests, just as it stood against tyranny in the days of old. Just as it opposes the tyranny of one man over other men, whether that man be a king or a prince or a potentate or a military dictator—just as

the Democratic Party stands against that kind of tyranny, so it stands against the tyranny over some men by corporations, by combinations, by mergers, the creatures and the agents of other men; and it will stand in that day and time for the individual man not because it hates wealth and not because it hates property but because it loves mankind more. [Applause.]

Now, my friends, when that time comes the Republic is going to need the Democratic Party. You gentlemen on the Republican side who now prate about the Constitution and talk about the sanctity of property will need the Democratic Party then to protect that property. Men who claim that their rights will be outraged will need the Democratic Party then, and the Republic will need the Democratic Party in such an hour, because it will stand as firmly against the mob as it will stand against the embattled interests of those who have sought to exploit the people in the past. And so, my good Republicans, do not bewail the fate of the Democratic Party.

The Democratic Party has a past that is glorious and a future in which we shall undertake to maintain the best traditions of that past. Excluding the administration of Washington, in the period down to 1924, the Democratic Party has held the Presidency 68 years and the Republican Party an equal period of 68 years.

In addition to the legislation already referred to, we call the attention of the country and the Congress to the Federal reserve act, which a Republican administration dare not repeal and which enabled the United States to finance the greatest struggle that has ever shaken the modern world. The Federal farm loan system was established and fixed a policy that the Republican Party will never dare to abandon. The Budget system, of which so much is now heard, was recommended and urged upon the Congress by a Democratic President and sponsored by Democratic chairmen of the Appropriations Committee—Sherley, of Kentucky, and Fitzgerald, of New York. The Department of Agriculture was established during the first administration of President Cleveland, and scores of other acts of far-reaching importance, which have come to be commended and approved by the public generally, and which the Republicans will not repeal, were enacted under Democratic sponsorship.

Excluding the territory of the original thirteen colonies, all territory thereafter added to the United States and out of which States have been carved was brought into the Union by Democratic administrations. Through the farseeing vision of that great Democrat, Jefferson, the Louisiana Purchase was brought from under a foreign flag and placed under the Stars and Stripes. In 1819 a foreign standard was hauled down in Florida and the colors of the Union were unfurled under a Democratic administration. During the administration of President Polk the Republic of Texas joined the sisterhood of States, and in the Mexican war following, that splendid domain out of which California and many of the great States of the West were established was ceded to the United States by Mexico. Again, in 1853, by the Gadsden purchase another strip of territory was added to the Union. Alaska, the Philippines, and Hawaii were secured during Republican administrations, but all of them remain Territories.

In foreign affairs, as well as in domestic, its record is a proud one. The War of 1812, waged to maintain our rights at sea and protect our citizens abroad, was fought under a Democratic administration. The war with Mexico was won under Democratic leadership. In 1917 and 1918 a great Democratic President and a Democratic Congress piloted the country through the mightiest war of this or any other age. Under such leadership our gallant armies cut through forests and trenches and ravines and bristling lines of the enemy a path to new victories and set our flag so high that our enemies can never fail to see it, and seeing it will never fail to respect it. And then when victory was ours the same great leader led the world from misery and blood and tears into the ways of peace, and by his splendid idealism thrilled and exalted the spiritual life of a world. A party with such a past must not die. America will not let it die.

It will live; it will live in the future, and it will live to serve. Undazzled by wealth and unabashed by power, unashamed of the past, and unafraid of the future, it will serve its country. It will serve its people even though it be rejected and its fortunes cast down.

Standing between the two great conflicting forces, either one of which, if successful, will destroy the very foundations of the Government, standing between these forces the Democratic Party, with its face turned full and fair to the morrow, will go on serving the American people and the Republic. With neither resentment at past defeat, nor with despair for the future, democracy will serve because she loves to serve, and not because she craves or cringes for the spoils. [Applause.]

Mr. MAGEE of New York. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Chairman, in the 1925 War Department appropriations act we provided that the Secretary of War submit at this session a comprehensive plan for necessary permanent construction at military posts. We also provided that this plan should be based on using funds already received from the sale of surplus War Department real estate, and from the sale of such property now owned by the War Department as, in the opinion of the Secretary of War, is no longer needed for military purposes.

In accordance with this direction on November 26 the Secretary of War submitted to the Speaker of the House of Representatives a report which I shall incorporate in my remarks. As a supplement to this report, he submitted a program for housing the Army in the United States, Hawaii, and Panama in permanent shelter. The Secretary of War recommended the passage of certain specific legislation in his letter to the Speaker. The Secretary's letter was referred by the Speaker to the Military Affairs Committee, and I was authorized by the acting chairman of the Military Affairs Committee of the House, Mr. MCKENZIE, this morning to introduce the bill recommended by the Secretary of War, which is similar to the bill introduced in the Senate a few days ago by the chairman of the Senate Military Affairs Committee, Senator WADSWORTH.

The bill which Senator WADSWORTH and I have introduced at the request of the Secretary of War is the first step in the realization of a program which is basic to the national defense and upon which many of us have been working for years.

In 1916 I called attention to the report of the General Staff of the Army made on August 12, 1912, on "The reorganization of the land forces of the United States." This document contained the broad outlines of a comprehensive military policy. In commenting on this report I said that some of the reforms proposed could be carried out by Executive action, but that the greater part of these reforms must be provided by Congress, and that—

> the existence of isolated and small frontier posts and reservations throughout the United States has repeatedly been the subject of criticism by the Executive, but so far Congressmen have been very loath to consent to the removal of any body of troops from cities in their districts which profited by the presence of such troops.

I am making these remarks to-day in connection with the bill which I introduced this morning, because I feel that the time has come when my implied criticism of eight years ago of Congressmen should be withdrawn. I feel that at the present time the broad policy of national defense has become so clearly fixed in the minds of all of us Representatives that there is no longer any strong desire to retain Army posts which should be abandoned.

For example, the proposed legislation permits the sale of Fort Howard, in Maryland, with an estimated sales value of $231,000; Fort Washington, in Maryland, with an estimated sales value of $519,600; and Fort Armistead, in Maryland, with an estimated sales value of $22,979, making a total of $863,579. At the present time both Fort Armistead and Fort Howard are required for the shelter of troops until permanent shelter elsewhere is provided, but as part of the comprehensive plan of the Secretary of War the permanent development, for example, of Camp Meade, in Maryland, is contemplated. I am very confident that no Representative of Maryland will in any way oppose the sale of Fort Howard, Fort Washington, and Fort Armistead; but, on the contrary, will do all possible to assist in this consummation of a long-desired scheme of national defense.

You will note that the proceeds of the sales of the posts which are to be abandoned are to be deposited in the Treasury to the credit of a fund to be known as the military post construction fund. The proposed legislation also provides that this fund shall be expended for the permanent construction at military posts in such amounts as may be authorized from time to time by the Congress. It is to be noted, however, that we are not asked for any legislation for any expenditures of this fund during this short session, but that the bill specifically provides that the War Department's permanent plan of construction shall be submitted annually to Congress in the Budget. We are asked only, at the present time, to dispose of useless posts in the interests of proper disposal and consolidation of posts, but the Congress will expressly have the

opportunity of passing on all general plans of expenditures for permanent posts.

There are nine corps areas in the United States, and the Secretary of War has submitted a very careful estimate of the cost of construction and development in the future in various selected posts in these various corps areas. This plan contemplates the development of certain posts as special training and mobilization posts. For example, in the Third Corps Area the logical post for development is Camp Meade, Md. Two years ago I took up with the commanding general of the Third Corps Area, General Muir, the permanent development of Camp Meade, and we discussed with the Secretary of War the detailed proposals for its development. During each of the previous three summers I have made special inspections of Camp Meade as a member of the Military Affairs Committee of the House, and I have recently taken up the matter with the new corps area commander, General Sturgis.

The need of a coordination of posts to correspond to the nine corps areas, and the needs of training and defense under the national defense act are obvious. The first step in this program is the proposed legislation contained in the letter from the Secretary of War to the Speaker of the House, in accordance with your direction made last year. I think that every Member of the House will be interested in this report of the Secretary, and I therefore shall include it in my remarks at this point:

NOVEMBER 26, 1924.

The SPEAKER HOUSE OF REPRESENTATIVES.

SIR: I am pleased to inform you that, in accordance with that portion of the 1925 War Department appropriation act which states:

"* * * The Secretary of War is hereby authorized and directed to submit to the Congress at its next session a comprehensive plan for necessary permanent construction at military posts, including Camp Lewis, in the State of Washington, based on using funds received from the sale of surplus War Department real estate, and for the sale of such property now owned by the War Department as, in the opinion of the Secretary of War, is no longer needed for military purposes,"

a careful and thorough study of the matter has been made by the War Department, and, as a result thereof, I submit herewith the following:

(a) A comprehensive housing program consisting of a series of charts showing the new construction required at military posts in the United States, Hawaii, and Panama.

(b) Lists of surplus military reservations classified as follows:

A. Surplus reservations authorized by Congress to be sold but which have not yet been disposed of:

Posts and estimated sales value

1. Narrows Island, Me	$135.00
2. Sagamore Reservation, Portsmouth, N. H	5,000.00
3. Gloucester, Mass., gun house	560.00
4. Fort Phoenix, Mass	750.00
5. Salisbury Beach, Mass	100.00
6. Springfield Armory, two tracts	5,000.00
7. Fort Green, R. I	1,200.00
8. Fort Mansfield, R. I	91,788.00
9. Ilion Rifle Plant, N. Y	4,500.00
10. Long Island air reserve depot, N. Y	2,750,000.00
11. Fort Montgomery, N. Y	7,500.00
12. Sag Harbor, N. Y	500.00
13. Watervliet Arsenal, N. Y (portion only)	200,000.00
14. Amatol Arsenal, N. J	66,000.00
15. Port Newark, N. J	6,000,000.00
16. Pittsburgh quartermaster intermediate depot, Pa	1,654,280.00
17. Tullytown Arsenal, Pa	550,000.00
18. Fort Armistead, Md	22,979.00
19. Fort Foote, Md	2,498.00
20. Norfolk Army supply base (portion)	306,000.00
21. Camp Humphreys, Va. (portion) 2,000 A	72,700.00
22. Fort Monroe Pumping Station Reservation, Va	1,500.00
23. Willoughby Spit Reservation, Va	108,840.00
24. Beacon Island, N. C	2,500.00
25. Fort Caswell, N. C	74,800.00
26. Bay Point, S. C	1,200.00
27. Fort Fremont, S. C	5,000.00
28. Hilton Head, S. C	8,000.00
29. Point Peter, Ga	18,000.00
30. Souther Field, Ga	58,007.00
31. Chapman Field, Fla	150,000.00
32. Fort Clinch, Fla. (portion)	4,200.00
33. Gasparilla Island, Fla	33,200.00
34. St. Johns Bluff, Fla	4,708.00
35. Fort Gaines, Ala	60,300.00
36. Park Field, Tenn	594,185.00
37. Fort Livingston, La	10,000.00
38. Fort St. Philip, La	25,200.00
39. Camp Knox, Ky. (portion)	27,080.00
40. Camp Pike, Ark. (Booster pumping station) (7)	1,200.00
41. St. Paul Army Building, Minn	85,000.00
42. Lagoon Point, Wash	1,545.00
43. Nodule Point, Wash	2,282.25
44. Port Madison, Wash	17,625.00
45. Montreal munitions plant, Canada:	
Motor Trucks (Ltd.)	171,500.00
Peter Lyall & Sons Construction Co. (Ltd.)	975,000.00
Total for real estate for which sale is authorized	44,182,362.25

B. Reservations that have been declared surplus, but which under the act of July 5, 1884 (23 Stat. 103), would revert to the Department of the Interior:

Posts and estimated sales value

1. Anastasia Island, Fla	$700
2. Boca Grande Military Reservation, Fla. (portion)	11,760
3. Fort Clinch, Fla. (portion)	2,500
4. Moreno Point, Fla	60,000
5. Perdido Bay Military Reservation, Fla	1,100
6. St. Andrews Sound Military Reservation, Fla	16,000
7. St. Josephs Bay Military Reservation, Fla	40,000
8. Mobile Bay (Island in), Ala	500
9. Perdido Bay Military Reservation, Ala. (west and north of Bay La Launch)	11,000
10. Perdido Bay Military Reservation, Ala. (west side entrance)	3,000
11. Ship Island, Miss. (portion)	13,500
12. Battery Bienvenue, La	10,000
13. Fort Jackson, La	10,000
14. Fort Macomb, La	10,000
15. Fort Pike, La	6,500
16. Fort Townsend, Wash	12,300
Total	208,860

These estimated sale values are made on the assumption that the act of July 5, 1884, will be voided and the War Department will be allowed to sell this property rather than turn same over to the Department of the Interior.

C. Reservations not being utilized by the War Department and no longer needed for military purposes which are recommended for disposal:

Posts or stations and estimated sales value

1. Fort Andrew, Mass	$2,000
2. New Cumberland General Reservation Depot, Pa. (portion)	25,800
3. Fort Smallwood, Md	52,200
4. Fort Hunt, Va	178,300
5. Newport News warehouses, Va	580,000
6. Chickamauga and Chattanooga National Military Park, Tenn. (lots)	1,750
7. Fort Morgan, Ala. (portion)	200,300
8. Nitrate Plant No. 1, Muscle Shoals, Ala	600,000
9. Waco Quarry, Ala	357,000
10. Fort Dade, Fla	75,000
11. Fort De Soto, Fla	30,000
12. San Diego Barracks, Calif	86,700
Total	2,189,050

D. Reservations still in use, but which are to be declared surplus when no longer required by the War Department:

Posts and Estimated Sales Value

1. Fort Schuyler, N. Y. (required for shelter of troops until permanent shelter elsewhere is provided)	$150,000
2. Fort Howard, Md. (required for shelter of troops until permanent shelter elsewhere is provided)	321,000
3. Fort Washington, Md. (required for shelter of troops until permanent shelter elsewhere is provided)	519,600
4. Fort Norfolk, Va	360,000
5. Fort Screven, Ga. (required for shelter of troops until permanent shelter elsewhere is provided)	1,465,700
6. Jackson Barracks, La	150,000
7. Fort Wingate, N. Mex	368,000
Total	3,334,300

(c) A draft of the necessary legislation which reads:

"An act authorizing the use for permanent construction at military posts of the proceeds from the sales of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes.

"*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to sell or cause to be sold either in whole or in two or more parts, as he may deem best for the interests of the United States, the several tracts or parcels of real property hereinafter designated or any interest therein or appurtenant thereto when said tracts or parcels are no longer needed for military purposes, and to deliver in the name of the United States and in its behalf any and all contracts, conveyances or other instruments necessary to effectuate such sale.

"Fort Schuyler, N. Y.; Fort Howard, Md.; Fort Smallwood, Md.; Fort Washington, Md.; Fort Hunt, Va.; Fort Norfolk, Va.; Fort Dade, Fla.; Fort De Soto, Fla.; Fort Morgan, Ala.; Ft. Screven, Ga.; Jackson Barracks, La.; Fort Wingate, N. Mex.

"Anastasia Island, Fla.; Boca Grande Military Reservation, Fla.; Fort Clinch (portion), Fla.; Moreno Point, Fla.; Perdido Bay Military Reservation, Fla.; St. Andrews Sound Military Reservation, Fla.; St. Josephs Bay Military Reservation, Fla.; Mobile Bay (island in), Ala.; Perdido Bay Military Reservation, Ala. (west and north of Bay La Launch); Perdido Bay Military Reservation, Ala. (west side entrance); Ship Island, Miss.; Battery Bienvenue, La.; Fort Jackson, La.; Fort Macomb, La.; Fort Pike, La.; Fort Townsend, Wash.

"New Cumberland General Reserve Depot, Pa. (part); nitrate plant No. 1, Muscle Shoals, Ala.; Waco Quarry, Ala.; Fort Andrews, Mass.; Newport News Warehouse, Va.; Chickamauga & Chattanooga National Military Park, Tenn. (lots); San Diego Barracks, Calif.

"SEC. 2. That the net proceeds of the sales of the surplus War Department real property hereinbefore designated and the net proceeds of the sales of the surplus War Department real property heretofore authorized and not heretofore deposited in the Treasury shall be deposited in the Treasury to the credit of a fund to be known as the military post construction fund, to be and remain available until ex-

pended for permament construction at military posts in such amounts as may be authorized from time to time by the Congress. Estimates of the moneys to be expended from this fund, including a statement of the specific construction projects embraced in such estimates, shall be submitted annually to Congress in the Budget.

"SEC. 3. In the disposal of the aforesaid property the Secretary of War shall in each and every case cause the same to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

"SEC. 4. In the event that any other department of the Government shall require the permanent use of all or any part of any of the reservations herein authorized to be sold the head of the department requiring the same shall within 90 days after the approval of this act make application to the Secretary of War for the transfer thereof.

"SEC. 5. After 90 days from the date of the approval of this act, and after the appraisal of the lands hereinbefore mentioned shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract is located as to such lands not to be turned over to other departments; and such State or county or municipality in which such land is located shall, in the order named, have the option at any time within six months after such notification to acquire the same or any part thereof which shall have been separately appraised upon payment within such period of six months of the appraised value thereof.

"SEC. 6. Six months after the date of notification of said appraisal, if the option given in section 5 hereof shall not have been completely exercised, the Secretary of War shall sell or cause to be sold each of said properties at public sale, at not less than the appraised value thereof, after advertisement in such manner as he may direct.

"SEC. 7. A full report of all transfers and sales made under the provisions of this act shall be submitted to Congress by the Secretary of War upon the consummation thereof.

"SEC. 8. The expenses of appraisal, survey, advertising, and all expenses incident to the sale of the reservations hereinbefore authorized for disposition shall in each case be paid from the proceeds of the sale.

"SEC. 9. Hereafter if any real property acquired for military purposes becomes useless for such purposes, the Secretary of War is directed to report such fact to Congress in order that authorization for its disposition in accordance with the provisions of this act may be granted.

"SEC. 10. The authority granted by this act repeals all prior legislative authority granted to the Secretary of War to sell or otherwise dispose of the reservations hereinbefore designated."

With the Army at its modified peace strength we have in the continental United States alone about 40,000 men quartered in buildings constructed for war-time purposes, the maintenance of which is rapidly becoming prohibitive in cost.

Because of these conditions a careful and thorough study of the requirements for the future as to the distribution of the Army has been made and considered in connection with the housing program.

We are guided in our military policies by the national defense act of 1916, as amended. Regardless of handicaps imposed by the necessity for reduced appropriations there are certain major missions assigned the Regular Army which must be fulfilled. These missions stated briefly are as follows:

(a) To provide adequate and efficient personnel for giving the utmost assistance in the training and development of the National Guard, Organized Reserves, Reserve Officers' Training Corps, and Citizens' Military Training Camps, and for furnishing a trained stiffening component for the organization of the higher units of the first two for battle service.

(b) To provide the necessary personnel for the overhead of the Army of the United States, wherein the duties are of a continuing nature.

(c) To provide an adequate organized, balanced, and effective domestic force, which shall be available for emergencies within the continental limits of the United States or elsewhere and which will serve as a model for the organization, discipline, and training of the National Guard and the Organized Reserves.

(d) To provide adequate peace garrisons for the coast defenses within the continental limits of the United States.

(e) To provide adequate garrisons in peace and war for our overseas possessions.

The objective of the War Department is constantly before it in the language of sections 2 and 3 of the national defense act as amended, wherein is provided the composition of the Regular Army, with the further statement that the organized peace establishment, including the Regular Army, the National Guard, and the Organized Reserves, shall include all of those divisions and other military organizations necessary to form a basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress.

Having in view the above requirements, provision has been made for the distribution of the mobile Army at its present authorized strength whereby one Infantry division has been allotted to each of the Second, Eighth, and Ninth Corps Areas and a reinforced Infantry brigade to each of the other six corps areas. In addition to the above, a Cavalry division has been allotted to the Eighth Corps Area. The most economical distribution has been made of Coast Artillery troops. The number allotted to overseas garrisons has been reduced to the minimum consistent with the mission involved.

In the development of the program for sheltering the Army distribution was subordinate to the necessity for strict economy and the most efficient utilization of existing permanent buildings and utilities consistent with the effective employment of our Regular Army as tactical units.

The program permits of ready rearrangement to meet conditions that may exist when any of the construction projects included therein are brought up for consideration by Congress. Furthermore, it will permit of an orderly utilization of such funds as may be made available from time to time and will also cause an avoidance of other waste which is always incident to an uncertain policy.

In view of the imperative necessity for providing shelter for our troops in the immediate future, I recommend that Congress now take cognizance of this problem.

Should the committee to which this matter may be referred decide to give the War Department a hearing on this subject, I shall be pleased to appear before it in person and also to place at the committee's disposal the officers who worked up the program, in order to explain any of the details in connection therewith that the committee might desire.

This project has been taken up with the Director of the Bureau of the Budget, and he states that it is not in conflict with the financial program of the President.

Respectfully,

JOHN W. WEEKS,
Secretary of War.

It is especially to be noted that the Secretary states that this project has been taken up with the Director of the Bureau of the Budget, and that it is not in conflict with the financial program of the President. It is also to be noted that there is an imperative necessity for providing shelter for our troops in the immediate future, and that immediate action should be taken upon the proposed legislation. Joint hearings in a few days will be instituted by the Senate and House Military Affairs Committees, and it is hoped that this legislation will be passed in this session, thus permitting a comprehensive plan of permanent construction to be submitted through the Director of the Budget as soon as possible. Under the provisions of the proposed legislation, the properties to be sold are expected to realize the total of $19,914,572.25, which will make a very excellent start for the military posts construction fund.

Mr. Chairman, I ask unanimous consent to extend my remarks by including a letter from the Secretary of War to the Speaker.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I yield to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to extend my remarks by publishing in the RECORD a short speech delivered by me at Richmond on the promulgation of the Monroe doctrine.

Mr. HILL of Maryland. Mr. Chairman, reserving the right to object, I would like to ask if the speech has any reference to the rights of the American farmers?

Mr. UPSHAW. It does not touch that matter.

Mr. HILL of Maryland. I do not object.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. UPSHAW. Mr. Chairman, under the leave granted to extend my remarks in the RECORD, I insert an address made by myself at Richmond, Va., December 2, 1923, which is as follows:

IN MEMORIAM—ADDRESS OF CONGRESSMAN WILLIAM D. UPSHAW, DECEMBER 2, 1923, AT CENTENNIAL OF PROMULGATION OF MONROE DOCTRINE UNDER AUSPICES OF SOUTHERN COMMERCIAL CONGRESS, RICHMOND, VA.

Mr. Chairman, Governor Trinkle, and fellow Americans—

"There are moments, I think, when the spirit receives
Whole volumes of thought on its unwritten leaves;
There are hours that hold in their compass of thought
The measureless triumph of a century wrought."

This solemn pilgrimage of Virginia's youth and beauty, her chivalry and her patriotism, from the historic capitol of the Old Dominion to the grave of the author of the Monroe doctrine, typifies at once not only the centennial tribute of a grateful continent but that inspiring human crown which lofty virtue wears. Perhaps the chiefest lesson for these patriotic Americans who have marched—citizens actual and embryonic—from the gray-haired defenders of our firesides and the sturdy citizen legionnaires to the smiling thousands of boys and girls who refresh us and thrill us with the kindling glories of their youth, is found not only in the international triumph of the deathless doctrine which Monroe proclaimed but in the security and the purity of that vibrant and inspiring American atmosphere where individualism in citizenship finds its loftiest coronation. We see again James Monroe, the modest purposeful youth of 15 on the playground of that humble schoolhouse at historic Fredericksburg, lighting the torch of his early ambitions by the pioneer camp fires of colonial development; we see him a thoughtful student at William and Mary College throwing down his books to answer the battle cry for colonial freedom; we see him enduring with heroic fortitude the privations of the Revolutionary soldier, and "knighted" on the field of battle for conspicuous bravery at the hands of the immortal Washington; we see him again practicing law in Fredericksburg, and so poor in this world's goods that a generous kinsman buys for him a town lot in order that the community council might have the benefit of his wisdom and his constructive fellowship. Ah—

"So nigh is grandeur to our dust,
So near is God to man;
When conscience whispers low 'I must,'
The youth replies 'I can.'"

And under this sublime impulsion we see the young Virginia statesman leap forward to halls of State and National legislation; then three times to the governorship of his State on the very spot where he had read law with the father of the Declaration of Independence.

Now, we see James Monroe illustrating the citizenship and the ideals of the lusty young Nation of the Western Hemisphere as a poised and accomplished diplomat at the proudest courts of Europe, while gilded monarchs look with wonder akin to awe at the manner of master-men produced by the newborn Republic; and now—thank God for "the era of good feeling," which his great leadership brought in—we see this many-sided statesman become the fifth President of the United States. Verily, he "came to the kingdom for such an hour as this"—rather, I should say, to the helm of state—for the clear vision and stalwart hand of James Monroe shattered the schemes and dreams of European despots concerning the continents of the Americas.

It was the hour and power and kingcraft. The Holy Alliance proved itself very unholy by its frightened frenzy at the march of democracy. Indeed, it was formed to crush out the free spirit of democratic individualism. The War of the Revolution had not only freed our American Colonies from the autocracy of the German-speaking George III, King of England, but, according to David Lloyd-George, it saved king-driven England from herself. Democracy in England was coming into flower; and the mother country, walking in the liberating radiance of such noble spirits as Pitt and Burke and Canning, and really proud of the achievements and prospects of the new American Republic, proposed a joint declaration that would warn European despots against further designs upon the Americas.

EMANCIPATION OF THE AMERICAS

Monroe's hour had come—the hour for the independent, dynamic initiative which not only meant the full and final emancipation of all Republics in both Americas but gave an electric thrill of hope and purpose to that spirit of free democracy that was fighting upward throughout the world.

Just 100 years ago to-day President Monroe gave his epoch-making declaration to Congress that all American soil must be kept forever inviolate from European aggression. It was the essence and the triumph of greatness in leadership that America preferred to stand grandly alone as she flung this startling dynamic of democracy into the faces of the wondering despots of Europe. Whatever of peril that mild defiance might bring, the young Nation stood ready to face and endure; whatever of glory that ringing declaration of American sufficiency might win, it should be concentrated in one resplendent crown on the brow of the young international pioneer. Thus the United States of America—a daring pathfinder on an "uncharted sea," stood alone and yet not alone, in the blended poverty and power of a "revised and enlarged edition" of American independence—an independence that laughed at "the breath of kings," while it rejoiced in the well-earned increment of a new neighborly gratitude and the supporting enrichment of a new American fellowship. In one marvelous and mighty hour the new American Republic leaped from the wilderness of national uncertainty and the valley of speculation and experiment to the commanding height of serene consciousness and decisive power among the nations of earth.

"Like some tall cliff that lifts its awful form,
Swells from the vale and midway leaves the storm,
While round its feet the lowering clouds are spread,
Eternal sunshine settles on its head."

And toward that sun-crowned mountain peak the eager eyes of the oppressed, liberty-loving peoples of earth began to look, and their tired feet began to move—for they thought of America evermore as—

The land of the free and the home of the brave.

SUBJECTIVE FAITH AND OBJECTIVE POWER

It has been said that "the ideal citizen is one who thinks what others only dream, who says what others only think, who does what others only say, and who glories in what others dare but do."

With this ideal true in the individual citizen, surely it is doubly true of such a leader of men and nations as James Monroe proved himself to be. This inspiring subjective consciousness brought with it the inevitable resultant of objective power. It warmed and purified and energized the heart of the new-born nation like "a second work of grace" that follows the miracle of regeneration in the heart of the individual, and comes with a new sense of intelligent dedication to the cause of God and humanity.

The immediate aftermath of the promulgation of the Monroe doctrine constituted a sense of national revival in ethical ideals and spiritual values, it brought a new baptism of inward peace and passion and a new and radiant horizon for the redeemed national soul. And it was not long until the restless ambitious nations of Europe began to calm their fevered pulse beneath the steady light, pure as crystal, that gleamed from the American lighthouse across the sea. While the lessons learned by the lesser American Republics and the watching nations of Europe were not, of course, instantaneous and universal, they have become increasingly stable and pacific.

The blood of our American neighbors to the south of us, heated by its proximity to the Equator, has occasionally broken out into a fight before breakfast, but before the sun went down the fiery protagonists would look up into the peaceful, disapproving face of their big brother, "Uncle Sam," and then lay down their arms, ashamed of themselves, and go back with the rising of another sun to the constructive pursuits of peace, happiness, and national prosperity.

JAMES MONROE AND WOODROW WILSON

And, ladies and gentlemen, let me, without equivocation in this high and ardent hour, put into shining italics the great world lesson of the Monroe doctrine; even as this spiritual compact of understanding and fellowship among the Americas has largely held in leash the forces of destructive war on these two continents and absolutely stopped European aggressions upon American soil, so it was the spirit of vision of the Versailles treaty to make a great international handclasp the bulwark against international conflicts forevermore. The very fact that the understanding impulsion of the Monroe doctrine has made the resort to arms unnecessary in the prevention of European aggression cries aloud to the makers and the breakers of the Versailles treaty that if all the allied nations that fought to overthrow military autocracy had clasped hands in peace to keep that autocracy overthrown all autocratic belligerents would have been awed forever into a stammering hush. This could have been done without pulling down the American flag 1 inch before any foreign power. The main thing I liked about that great World War, ladies and gentlemen, was its geographical position. It was 3,000 miles away from your American home and mine, and we rejoice in the blended wisdom and heroism of statesman, soldier, and sailor that united to keep that terrible war 3,000 miles away from American shores. And whether it shall be the dream and the prayer of that stainless Christian statesman—the Gladstone of America—William J. Bryan, who did so much to bind the world together in pacts of enduring peace; or whether it shall be the dream and the plan of that great President and now Chief Justice of the United States, William Howard Taft, who stood long and valiantly at the helm of the League to Enforce Peace; or whether it shall be the crystallization of the dream and the plan of that brilliant seer and world citizen, Woodrow Wilson, who fell on the firing line and almost gave his wonderful life that he might give constructive, enduring peace to a staggering world; or whether it shall be the dream and the plan of our late lamented and beloved President, Warren G. Harding, who sought the same great end through a World Court and an association of nations, you know and I know and God knows that whether it be a 4-power pact or a 44-power pact, the famished, sorrowing heart of a war-torn world is anxious—prayerfully and desperately anxious—that something shall be done in consonance with the ideals of the Prince of Peace that will make it unnecessary for a great pacific Nation like the United States of America to spend more than 90 cents out of every dollar of the people's money to provide for the ravages of war, past, present, and to come. No truer, wiser words ever fell from human lips of a friend of peace than that immortal utterance of President Harding at the opening of the disarmament parliament:

"There is something fundamentally wrong in any scheme of civilization that spends the major part of its means and its energies on the scientific destruction of human life."

As we stand by that new-made grave at Marion, as we gather in annual pilgrimage before that mecca of international peace on S Street in Washington, as we stand to-day in reverent centennial tribute before the "vocal dust" of the author of the Monroe doctrine, let us resolve all differences incident to the limitations of human wisdom and partisan bias as we approach the supreme objective in our Christian civilization—peace, constructive peace and happiness and progress for all the peoples of all the world.

And as a patriotic, God-fearing American citizen, I confess that I am jealous—righteously, loyally jealous—to see my country, preserving both her independence and her unselfish spirit of international benevolence, take her indispensable place in international leadership toward universal righteousness and everlasting peace.

The Monroe doctrine, in its last and best analysis, is not provincial. Its uncringing, stalwart stand for American integrity and American development constitutes its highest possible contribution to the peace and prosperity of other nations.

"And beholding the man which was healed standing with them, they could say nothing against it."

This convincing declaration concerning the healing of the man who as a cripple had lain long at the beautiful gate of the temple is America's own answer and inspiration to all nations impoverished by the cruel carnage and the desolating waste of war.

"Look at the heights serene on which I stand." Thus saith America to the restless, disheartened nations of earth. "Look at the incontestable fact that my flag has never led my people into a selfish war, and therefore, thanks to the god of nations, I have never known defeat. Peace has been my passion and war my painful protest. Look at my unexampled prosperity that has crowned my program of peace, and come up—higher—come up higher above the deadly miasma of national hate and the fog and fury and the death and dearth of war." Humbly, proudly, triumphantly before the God of nations and the sons and daughters of men—this is the meaning and the message of this centennial—this is America's national and international evangel.

FROM PRESIDENT TO JUSTICE OF PEACE—CALLING AMERICAN YOUTH TO UNSELFISH SERVICE

I must be pardoned—if pardon is needed—for bringing my first and final message to Virginia's youth—America's youth, strikingly called by Jacob Riis "the to-morrow of the Republic." If, as Reynold E. Blight has declared, "next to the glorious Declaration of Independence and the Constitution of the United States the Monroe doctrine is America's most important and significant contribution to the well-being and progress of humanity," then surely the youth of America must hear a new and clarion call to the glory of service for the sake of service in the almost startling disclosure of history that James Monroe, the far-famed author of this immortal doctrine, rich in the highest honors which two continents could bestow upon him, chose to crown life's beautiful evening by serving his community in the thoroughly honorable position of justice of the peace. He believed in the glory of service—humble, faithful service, rather than the empty glory of self-centered renown. This great God-fearing builder of a nation's grandeur believed in the uplifting doctrine that would "sweep a street to the glory of God." If he could speak to-day to the thousands who, in the beauty of their plastic youth, have made this pilgrimage to his tomb and to the millions of students in the schools and colleges of America who are sharing in the grateful thought of this centennial tribute, he would declare with Tom F. McBeath:

"God gems thy path with opportunities,
Thick as the summer dewdrops on the grass,
Rich with His promises;
But, mannalike, they must be gathered
Ere the sun be risen."
And used upon the instant—
Else they breed within the heart
A never-dying brood of worms,
Armed with stings of vain regret,
And to a loathesome hell of torment
Turn the Paradise of memory.

It is because this brave, purposeful American youth went into America's teeming harvest fields and "came not back with empty hands" that he built a pyramid of truth and light that will pierce the ages as they over it roll. It is verily the crown that American knighthood wears—

"The crown that shall new luster boast
When victor's wreath and monarch's gems
Shall blend in common dust."

Mr. BUCHANAN. Mr. Chairman, I yield 20 minutes to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Chairman, I want to call the attention of the committee in my remarks to-day to a provision in the Agricultural bill on page 36, which has to do with our national forests. It provides "for the construction of sanitary facilities and for fire-preventive measures on public-camp grounds within the national forests when necessary for the protection of the public health or the prevention of forest fires, $25,000." I feel that this amount is wholly inadequate to even properly introduce a program for the establishment of recreational camps in our national forests.

One of the greatest problems facing the American people to-day is that of forestry. Due, perhaps, to the lack of information upon the part of the public, and to lack of sympathetic interest upon the part of Congress, our forestry problems have never received the emphasis they should.

The country is slowly awakening to its importance. There was a time when we looked to the theorist, national forester, and sportsmen, to whom forest preservation was a mere incident, for manifestations of the only interest in national forests. The public in general looked upon them as alarmists and entirely impractical. Conditions existing to-day and in the future will combine to give the pioneers of our national forest program that place in the history of the development of the country second to none in importance.

Warning after warning these pioneers gave us; but, with the same persistence with which they warned, we continued to ignore until to-day we depend for high-grade lumber upon the South and far West, which have a considerable area of rapidly diminishing virgin lumber.

According to the report of William B. Greeley, National Forester, to the Secretary of Agriculture, on October 24, 1923, the condition of our lumber and wood supply is most appalling. Prices of high-grade lumber are steadily and rapidly rising. There are only 14 States, in the South and extreme West, which have a surplus of production in lumber over consumption. In several of these 14 States the amount of production over consumption is small. In the remaining States of the Union the consumption of lumber is greater than the production. The States of North and South Dakota, Minnesota, Iowa, Nebraska, Kansas, and Missouri import 77 per cent of the lumber they consume. Similarly, the principal manufacturing region comprising the States of Illinois, Ohio, New York, Pennsylvania, New Jersey, Indiana, and the New England States produces only 32 per cent of the total lumber consumed. Mr. Greeley makes the statement that we are draining our forests East and West of a total of 25,000,000,000 cubic feet of wood annually while this is replaced by the growth of only 6,000,000,000 cubic feet. For every 4 cubic feet of wood we are taking annually from our forests we are seeking to serve the future by replenishing with only 1. All this, too, is in the face of an annual increase in the demand for timber products and increasing prices therefor. The Greeley report says:

The present annual growth could be increased to about 14,000,000,000 feet, or a little over half our present requirements, if all our forests were given adequate protection against fire and elementary practices of forestry were introduced. By intensive forest management, comparable to the best European practices, our total area of forest land could be made to grow 27,000,000,000 cubic feet annually, or enough to take care of our present consumption and afford a little surplus.

Within recent years we have taken some great strides in the forestry problem. The reforestation act of last session was a great stride in the right direction, but like any other great program of national conservation we can never reach the desired end so long as the interest in our forest development is confined merely to those employed in this departmental work. The public must be made to know that it has a part to play in this program.

If the careless camper, the vicious firebrand, the indifferent hunter, and the indiscreet smoker can continue to be the costly perils of our forest development without calling down upon themselves the just condemnation of an indignant public, then any program of forestry must continue to be ineffective in meeting our needs. The public must awaken to the fact that every year it costs our Government over a million dollars in loss of timber value and in money spent combating these enemies of our timber resources. To be exact, in 1922, the latest figures I have, the total damage on national forest lands burned over was $494,000 and the Government spent $607,200 in fighting these fires. The public must be, by some means, quickly educated to the impending crisis in our timber and lumber supply and the means by which these evils can be remedied.

The public in general does not seem to realize the purpose for which our national forests have been established. It does not seem to observe any difference, in many instances, between our national forests and national parks. Our national parks are practically unremunerative and represent the expenditure of millions of dollars each year from the Government Treasury for their support and maintenance.

Our country has the greatest system of national parks in the world. Our parks are "natural museums, within which are preserved some great natural, scientific, scenic, or historical attractions of surpassing and outstanding superiority in their class." Thanks to the department which has had supervision of the establishment and maintenance of our national parks, they have steadfastly held to this high standard. Recreational and playground developments in connection with our national parks have been merely incidental.

On the other hand, our national forest reserves are not unremunerative, but, on the other hand, to all practical purposes are self-sustaining, and, it is safe to estimate that in the immediate future, will be not only self-supporting but will be a source of revenue to our National Government. Many of our national forests, while abounding in timber and grazing resources, have as other productive features playground and recreational possibilities.

Mr. James B. Wilson, in the early days of forestry in this country, said that our forests must be managed with an eye single "to the greatest good of the greatest number in the long run." This utterance was made when the automobile industry was in its infancy and modes of communication were crude as compared to to-day, but he evidently saw the future of our national forest reserves utilized not only as a source of revenue and as an example to private and State-owned forests but also for health and recreational purposes.

Through many of these forests, which have great recreational possibilities, the departments have constructed some splendid roads. They have also established in some game and fish reserves, as well as camp grounds. While we boast of the great number of people who see our national parks, yet it is safe to say that two persons visited our national forests during the year 1924 where one visited a national park. During the year 1924, 10,000,000 people visited our national forest reserves. This great host of people were led to our forests in search of sport, recreation, and health.

This enormous number of visitors is the Government's opportunity of giving the much-needed education upon forestry to the public. When that time comes that each person who visits our forests becomes acquainted with the modes and methods of their preservation and the necessity therefor, he will go forth as a missionary to convert all with whom he comes in contact to the importance of our forestry program.

Notwithstanding the Government spent millions of dollars last year and will continue to spend for the proper maintenance of our national parks, which have only an educational value, with an incidental recreational value, yet we spent the small sum of $15,000 for development of the recreational features of our national forests, which not only carry with them an educational, recreational, and a health value but also carry a monetary value to our Government.

It is for a proper recognition of the recreational features of our national forests that I plead to-day.

When we think of the wonderful possibilities in development of this feature of our national forests and then consider that this great Government only spent $15,000 last year for their development it approaches an almost unpardonable indifference upon the part of the representatives of the legislative branch of our Government.

To develop this feature of our forest reserves does not necessarily mean a great outlay of money in expensive buildings or the construction of high-class roads. The program of the Forestry Bureau is to throw open the national forests to the motorist, the farm wagon with its load of children, the hikers, campers, hunters, and fishermen, the amateur photographers, naturalists, and mountaineers; to bid them come and follow their respective bents without let or hindrance, and to teach them how to use their own woods as good citizens should. The next stop in their outline is to make such provision as is possible for the convenience and well-being of the various groups of the various recreation seekers.

For the hikers and hunters and mountaineers who scorn the beaten paths and seek the real freedom of the hills this means maps and trails and signboards and an occasional rough-hewn shelter cabin in the high country. For the throngs of tourists and transient campers who stick to the main roads, but crave the joys of the open fire none the less, it means selected camp grounds, chosen with an eye to natural beauty, cleared of undergrowth and inflammable débris, and equipped with simple sanitary conveniences and rough stone fireplaces.

There are over 1,500 commonly used camping spots along the highways in these national parks. To this time the Bureau of Forestry has not been provided with sufficient funds to meet the urgent needs for the simplest and roughest equipment required by decency itself at practically all of these camps.

The Agricultural bill this year provides that this appropriation shall be $25,000, whereas the Government could well afford, for its own protection, to make the appropriation a half million.

On page 37 of Mr. Greeley's report he gives a statement of something of the requirements of these recreational forests. In 1922 a study was made of 960 specific camp grounds, which were used by 1,355,000 people. For a proper protection and development of the facilities of these 960 camps he estimates it would cost $122,259, which would amount to approximately 2 cents for each person using the camp grounds in a single year. In 1922 there were 6,000,000 people who visited our national forests. If our Government would spend 5 cents for each of the 10,000,000 persons now using the forests annually for recreational purposes it would permit the installation of practically all of the most necessary facilities. Considering the 10,000,000 persons who would benefit by an expenditure of 5 cents each in the probable improvement to the public health and reduction in fire loss, it would be a distinct economy to make an appropriation of one-half million dollars for this purpose.

Mr. O'CONNELL of New York. Will the gentleman yield for a question?

Mr. RAGON. Yes, sir.

Mr. O'CONNELL of New York. And it is intended to be a helpful one. Of course, these figures are accurate——

Mr. RAGON. I take them from the report of the Forester.

Mr. O'CONNELL of New York. And for the purpose of his speech I would like the gentleman to give the authority for them.

Mr. RAGON. I thought I stated that. This is taken from the report of the Forester, Mr. Greeley.

Mr. O'CONNELL of New York. Thank you.

Mr. RAGON. If our 147 national forest reserves, with a combined acreage of 157,000,000 acres, which brought in to the Federal Government in 1923 a revenue of $5,335,818.13, are to be developed so as to function to their highest degree of efficiency, the Government must at once give heed to the recreational features of our national forests. It is interesting to note that the Government spent for protection and administration of the national forests in 1923, $5,133,382. While this shows a profit from a monetary standpoint, our national forests abound in recreational assets more valuable than their economic resources. Yet the Government never appropriated any moneys for this purpose until 1923, when an appropriation of $10,000 was made. In 1924 another appropriation of $15,000 was made, and this represents all the moneys ever appropriated by the Government for the development of the recreational features of our national forests.

The educational features might well be illustrated by conditions existing in my own State. Arkansas ranks near the top among the States that produce a surplus of lumber which supplies the country. Too few of our people realize that our virgin timber is being rapidly diminished. Surrounded by plenty in this particular industry we are unmindful that the day is close in front of us, if some check is not made, when we shall be face to face with conditions such as exist at this time in the North and East. Situated in the State of Arkansas are two national forest reserves, which are greater in acreage than those of any other State in the South and East. In the national forests of Arkansas will be found some of the greatest opportunities for the development of recreational camps anywhere in the country. As recently as 10 years ago I do not believe there were a hundred people each year, outside of Government employees and the natives, who went through these forests. The Forest Service has within recent years constructed splendid dirt roads through parts of these forests, and tourists are now flocking through them by the thousands each year. As they go through them they find prominently displayed instructions about forest protection. This slight information they gather as they go hurriedly through the forests.

If these forests were supplied with recreational facilities, the tourist would spend part of their time in them. This would mean that he would learn first hand the importance of our forests and how to protect them, and as he went forth would naturally scatter this information, which would redound to the the benefit of the forests in Arkansas. But this national forest in Arkansas is not alone an Arkansas problem in which only Arkansas people are interested. The New Yorker or the New Englander, with his forests denuded, who builds a home in which lumber is used takes into consideration the Arkansas forests. He is interested or should be in the $494,965 which our Government lost in damage to our national forest land in 1922 and the $607,200 which it cost the Government to fight the fires in the same year. Therefore, every section of the country is

interested in any plan which will protect and preserve the forests in any of the States of the Union. The recreational camps in the national forests of Arkansas are of the greatest educational value in protecting the forests outside of its boundaries.

The rest and recreational values of our national forests have been recognized by the communities within easy reach of them. Cities and towns have established recreational camps. Indeed, it is a sad commentary upon our National Government that more money has been spent by civic organizations for the development of the recreational features of our forests than has been spent by the Government. The Government should at least keep step with these organizations and abandon its "pinch-penny" policy in developing this feature of our reserve.

These forests abound in great mountains with their high altitudes, pure air, and good water, all of which make them attractive to the seeker of health.

Therefore, from the standpoint of their educational, monetary, recreational, and health producing values we should loosen the purse strings to this forestry enterprise. It is the task of no particular department, branch of Government, nor State, but the combined efforts of everyone to awaken the public interest in our national forests. Let us have economy in government by all means, but never that false economy which hoards our wealth while our natural resources are being destroyed.

Mr. BUCHANAN. Mr. Chairman, we have no further speakers on this side.

Mr. MAGEE of New York. I ask that the Clerk read the bill.

The Clerk read as follows:

For salaries and compensation of necessary employees in the mechanical shops and power plant of the Department of Agriculture, $93,000.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this bill recommends for appropriation $124,637,715, and of this amount $44,637,715 is for agriculture and $80,000,000 is for roads. I am intensely interested in both.

The subject of agriculture requires and should receive the patient, thoughtful, and intensive study of Congress. There has been greater depression among the farmers during the past three years than any other class of our people. The corn and cotton crops in the South and the wheat crops in the West and Northwest and the better prices received during the present year have greatly relieved the situation. The farmers need some additional financial legislation. Cooperative marketing should be encouraged in every possible way. There are many other questions that affect the farmers that deserve our best thought and attention, including reduction of freight rates, reduction of the present tariff duties on necessaries consumed, diversification of crops, cheaper fertilizer to increase crop production, and additional assistance in educating the farmers in a practical way to better methods in farming, so as to insure the maximum of production, and how to care for and conserve their crops to the best advantage. All of these questions are of great interest and should have our best attention.

I want to emphasize upon this occasion the importance of favorable action upon a bill which I have introduced, H. R. 7692, and which is pending before the Banking and Currency Committee, amending the Federal farm loan act of 1916 by authorizing the appointment of agents at convenient localities, giving the agent about the same authority now exercised by the secretary-treasurer of the local loan associations formed in each county.

I think that the farm loan act approved July 17, 1916, is a great piece of constructive legislation. The Banking and Currency Committee, of which I was a member at the time the act was passed, gave much thoughtful consideration to the provisions of the same. I emphasized to the committee then that the greatest difficulty with administering the law would be found in the compulsory organization of local loan associations. I tried to get the committee to act favorably upon an amendment providing for the appointment of local representatives of the farm land banks throughout the country, through whom applications could be made for loans under the act. I presented such an amendment to the House when it was in the Committee of the Whole considering the original farm loan act, but it was not adopted. I have again submitted such an amendment and hope that the Banking and Currency Committee will, at an early date, give earnest and favorable consideration to the matter. If enacted, it will do away with the necessity of the organization of local loan associations and permit local agents or representatives to be appointed, authorized to receive and forward all applications for loans. If this were done it would greatly popularize the act and would make it as it was originally intended, one of the greatest pieces of progressive and constructive legislation ever enacted by Congress.

Before the passage of the act I pointed out, as I do now:

First. That the organization of local loan associations is unnecessary and that the appointment of a local agent to perform functions similar to the work to be done by the secretary-treasurer of the local loan associations in advising farmers how to apply for loans, how to prepare their papers, and how to do all necessary preliminary things with reference to making an application, would better serve the interests of the farmers desiring to borrow money.

Second. The appointment of local agents would do away with the interminable delays now experienced.

Delay in securing favorable action upon loans is the chief drawback of this splendid law. If local agents were appointed who are familiar with the law and familiar with the requirements of the farm land banks served by them, they could expedite action very much upon all applications for loans. When an application for a loan is presented to an agent he would see that it was made out in the proper form; that the note, mortgage, and all accompanying papers met the requirements of the farm land bank, and that an abstract accompanied the papers. If anything were omitted, he would be able to satisfactorily explain the matter to the applicant, so that when the application was forwarded everything would be complete and in correct form. In my judgment, the disappointment experienced in administering this law is due to a failure to adopt this or a similar amendment. The local loan associations serve no useful or helpful purpose. In many counties throughout the United States there are no local loan associations, hence an applicant has no opportunity to apply for a loan. True, the farm loan act provides for the appointment of a local agent, but that agent must be a bank, trust company, mortgage company, or savings institution, and must indorse the paper and thereby secure and become liable for the loan, and, of course, the shareholders of no conservative bank or company would permit it to become obligated in such large amounts.

When a number of farmers get together to organize an association they are not familiar with the necessary details as to how the organization should be perfected, which necessitates much correspondence and many meetings by them. All of this results in long delays. No one who wants to buy a farm or who wants to secure a loan can afford to wait in a state of uncertainty for an indefinite length of time. The owner of a farm and a prospective purchaser meet and agree upon a price. The prospective purchaser explains to the owner of the farm that he purposes getting a part of the money through the farm land bank, but the owner of the land, knowing how uncertain it is about getting the money and the delays encountered, declines to enter into a contract. The purchaser, rather than lose the trade, pays from 2 to 3 per cent additional interest to a local loan agent or a mortgage company.

If this farm loan act is to be made a success, and it should and can be, all unnecessary causes of delay must be eliminated. Intelligent agents should be appointed, who in a few minutes of time could look over the papers, would forward them to the farm loan banks of the respective districts, have the abstracts examined in a day or two after their receipt, and notify the local appraisers so that the farmers making the applications could be advised within a week or 10 days whether or not favorable action had been taken upon their applications for loans.

A PLEA FOR TENANT FARMERS

The farmers constitute one of the greatest producing classes in the United States. I want to emphasize that every one of them ought to be encouraged to own his own land. It is the ambition of every tenant farmer to purchase a tract of land. This should be encouraged in every possible way. If this legislation were perfected it would enable every honest, hard-working farmer to acquire a home. It can be done by borrowing 50 per cent of the appraised value of the land and 20 per cent of the appraised value of the permanent insured improvements. Any farmer with a reputation of being economical, honest, and hard working should be able, by means of this act, to acquire a home by making a first mortgage to the farm land bank and giving the money to the owner of the land, and by making a second mortgage to secure the balance of the purchase price. Hundreds of thousands of tenant farmers could secure homes in this way and be able to pay for them. The first mortgage would be of long time, and the loan could be repaid on easy payments. Every payment would reduce the principal and

make both mortgages better security. I want to plead as earnestly as I can for the tenant farmer.

There are approximately 6,500,000 farmers in the United States. According to the last census we have 191,988 farms in my State of Oklahoma, of which 50 per cent are owned by those who cultivate them and 50 per cent rented to tenants. The average size of each farm is 166 acres.

If every one owned his own land he would have better improvements and his place would be beautified and enhanced in value. He would see that every foot of land is placed in cultivation and cultivated in crops best adapted to that particular soil. The improvements would be kept in good repair. He would raise more stock and poultry. His land would be kept up by a rotation of crops and by the use of fertilizer making his farm more productive and greatly increasing the quantity of grain and other things produced.

The farmers would be able to live better and easier and a home would make him a happier and more contented citizen. The man who owns his own home is deeply interested in churches, schools, good roads, and stands for law enforcement. He usually convicts when he is serving on a jury where the evidence shows the defendant guilty. The ideal would be approached if not attained if every farmer owned and cultivated his own land.

PRINCIPAL AND INTEREST PAID TOGETHER

I want to see this act popularized in every possible way. Its advantages have not been appreciated in my State. Everyone knows that it is to the interest of the farmer to borrow money upon long terms, payable in amortized payments, rather than to secure it upon short-time loans and pay a larger rate of interest. By securing a loan under this act the farmers pay the principal along with the interest in such small sums that they really do not know they are repaying the principal. Under this act 1 per cent is added to the interest which is payable semiannually and is applied to the reduction of the principal. There is little or no chance for the Government to lose if the law is intelligently and honestly administered. With an intelligent agent, an expert in the examination of titles, and an honest and intelligent appraiser, there is no chance of loss to the Government. The Government loans only 50 per cent of the appraised value of the land and 20 per cent of the appraised value of the permanent insured improvements, and each year the security is greater as the loan is reduced. In addition, it must be remembered that every farmer who owns his own land, by taking proper care of it, fertilizing it, and rotating the crops, makes the land more valuable and the security better. There is no chance for the Government to lose. All the Government has to do under this law is to permit the farm land bank to extend its credit. In return we have in prospect a very much larger number of farmers throughout the country owning their lands. We see beautiful houses, well-kept yards, gardens filled with vegetables, plenty of stock and poultry, and the farmers cultivating the crops best adapted to that particular soil. We see a happy, contented, and prosperous people. We see production greatly increased throughout the country, as all tillable soil will be cultivated.

ADDS TO PROSPERITY OF ALL CLASSES

All this must add to the prosperity of the people everywhere. As the farming class of people are made more prosperous bank deposits will be added to, the farmers will trade more with the merchants, and give more employment to labor. They will raise more and better stock. This condition of prosperity can be brought about by an amendment to this act that will provide for the appointment of local agents to serve the farm land banks and which will avoid delays in securing loans.

LOCAL ASSOCIATIONS NOT ACTIVE

I recently made inquiry of the farm land bank serving my district and found that local associations have not been organized, except in four of the eight counties. I might add that none of these are active. Loans are only made to the members of these associations. After the farmers who originally formed the loan association secure their loans they take but little interest in the association, do not make an effort to secure additional members, and are indifferent toward having additional loans made. The appointment of a local agent would be made to take the place of the secretary-treasurer of the local loan association, who would be paid a nominal sum sufficient to compensate him for making a preliminary examination of all the necessary papers, keep the books, and make the necessary reports from time to time. Applications would be grouped and forwarded to the farm land banks, and appraisers would be sent to that particular locality to view the lands, so that the expense would be prorated among the applicants and be thereby greatly reduced.

I was reared in the Indian Territory, now a part of Oklahoma, where the people have experienced many delays in administering the affairs of the Indians. They are unwilling to have these delays occur when they are making applications for loans.

HAS REDUCED INTEREST RATES

The enactment of the farm loan act has been of great advantage to the farmers throughout the country in securing reduced rates of interest. Since the passage of the act they have been able to get more liberal terms from companies loaning money. I think I am safe in saying that the interest on such loans in my State has been reduced from 2 to 3 per cent. The farmers have been given the option of paying the loan off in whole or in part on any interest-bearing period. The law should be so amended and administered as to enable the farmers to secure favorable action on applications for loans with the least possible delay so as to give every tenant farmer a chance to own his own home.

LOANS FOR PRODUCTIVE PURPOSES

Loans are made under the farm loan act to farmers for productive purposes: To purchase land, to pay off existing mortgages, to buy more and better livestock, to make improvements, to buy fertilizer, and, in fact, for all purposes that would make the land more productive.

WILL INCREASE PROSPERITY

If this act is amended, it will increase the prosperity of the country and greatly develop it as well as strengthen our citizenship. It will give employment to untold thousands. The farm land banks can lend money at a lower rate of interest than any private company because of the exemption from taxation privileges extended to the bonds. Their bonds are as safe as Government bonds. They are well secured and carry a greater tax exemption than Government bonds. The land banks, therefore, can secure an unlimited amount of money to supply the needs of the farmers. Under the provisions of the bill the farmers do not have to pay any greater interest than the interest which the farm-land banks pay on their tax-exempt bonds, plus the cost of administration, and to this is added 1 per cent additional, which is applied to the reduction of the principal. It is found that 1 per cent compounded for 36 years will pay off the principal. At present the Government is funding its indebtedness by 4 per cent bonds and a farm land bank bond should sell upon as favorable terms. Assuming that these bonds can be sold at 4 per cent, the borrower would pay 4 per cent plus 1 per cent as cost of administration, or a total of 5 per cent as interest, and, in addition, the 1 per cent which would be paid, applied semiannually to the reduction of the principal. The payment therefore of 6 per cent for 36 years would not only pay the interest but would repay the principal as well. The present rate is 4½ per cent, plus 1 per cent for administration, plus 1 per cent applied to reduction of principal, but the money market is easier and the bonds should sell for 4 per cent.

Surely no more constructive measure in the interest of the farmers has ever passed Congress.

If an amendment such as I have suggested were adopted and local agents appointed and the delays in securing loans are avoided, I assure the House and the country that it would popularize the farm loan act such as nothing else could do.

FARMERS URGED TO TAKE ADVANTAGE OF PRESENT LAW

Pending favorable action on the amendment I have introduced, I want to urge the farmers to study and take advantage of the provisions of the present law.

Loans aggregating $1,019,444,148 have been made to 332,907 borrowers through the farm-loan banks, and of this amount $18,347,400 has been loaned to 6,800 borrowers in the State of Oklahoma.

No associations have been formed in Adair, Sequoyah, McIntosh, or Okmulgee Counties, although a few loans have been made to residents of Adair County, attached to Cherokee County for the purpose of making loans. The persons desiring to own their own homes or to pay off mortgages should take advantage of the present law and either make application through a loan association, if there is one already formed, and if not organize one so as to be able to borrow money upon long terms at low rates of interest, payable upon the amortization plan.

NEEDS OF FARMERS DISCUSSED

When the Agricultural appropriation bill was up for consideration during the last session of Congress I made an extended speech on the needs of the farmers, inviting attention, among other things, that transportation charges are excessive and that they should be reduced. Of course, everybody

appreciates that when a farmer sells his products in the local market that the price is governed by the price of the central market, less the transportation charges. In other words, the farmer pays the freight. In times of great general depression I think the loss should be prorated and not all borne by the farmers. The farmer needs more practical assistance in an educational and financial way in the marketing of his farm products. He should not only be able to receive the cost of production but should have a fair return for his labor, the interest on his investment, the upkeep of his farm improvements, and the depreciation of his livestock and farm machinery. In my judgment cooperation in marketing his farm products would greatly aid him, and the cooperative societies should be encouraged, both in an educational and a financial way.

THE WAREHOUSE AMENDMENT

I supported the warehouse amendment enacted in 1916, which enables the farmer to store his nonperishable farm products and take receipts for them acceptable as collateral at the Federal reserve banks. This enables the farmers to borrow money at low rates, pay off local obligations, and not be compelled to sell their farm products upon a depressed market.

DIVERSIFICATION OF CROPS

Diversification of crops has been urged as being very important to the farmers. This is quite true. Every farmer, in so far as is possible, should raise his own family supplies and the feed for his livestock. We must, however, take into consideration that certain soils are only adapted to the raising of certain crops, and that the diversification of crops is limited to that extent. We can not raise cotton in the North and certain crops can not be raised successfully in the South.

PROTECTIVE TARIFF NO BENEFIT TO FARMER OR CONSUMER

Neither is the protective tariff of any advantage to the farmer of the West and South. When the farmer was in the most depressed condition Congress enacted the emergency tariff act in the spring of 1921 in the hope that conditions would improve so that it could be claimed that credit was due to that act.

Every farmer knows that by reason of the high tariff duties he must pay a largely increased price for almost every article he purchases, including the clothes worn by his family, and that it greatly decreases the purchasing power of the money received for his farm products. I can not follow the reasoning of anyone who urges upon the farmer, the laborer, or the consumer, who is not a manufacturer, that paying a higher price for everything he buys adds to his prosperity. Tariff on wheat does not increase the price of wheat in Oklahoma, because the price of wheat in the United States is governed by the price at Liverpool. The tariff on Canadian wheat may help the wheat farmer at times because of a shortage locally immediately south of the Canadian line, but it does not help the wheat farmer in Oklahoma. Transportation charges are prohibitive and prevent competition. The same is true with reference to cotton.

NO TARIFF ON COTTON

There is no tariff on cotton, although such a statement was made during the past campaign and urgently and repeatedly insisted upon. There never was any tariff on the kind of cotton grown in Oklahoma. A few years ago there was a tariff on long-staple or sea-island cotton, none of which is or was ever grown in Oklahoma, but that provision was repealed by the act of 1922. Every farmer knows that during the active selling season the daily cotton-market quotations refer to either weaker or stronger cables from Liverpool and that all local markets fluctuate accordingly.

I have repeatedly urged and I want to invite attention again, in order to emphasize it, that I favor those appropriations which are for productive purposes, and I include among them the appropriations included in the Agricultural appropriation bill, for the various activities of the Department of Agriculture, for roads, for rural mail routes, and we should exercise the severest economy upon large expenditures which bring no return and which do not add to the happiness, contentment, or prosperity of all the people of the Nation. [Applause.]

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The Clerk read as follows:

For conducting such investigations of the nature and means of communication of the disease of citrus trees known as citrus canker, and for applying such methods of eradication or control of the disease as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and the employment of such persons and means, in the city of Washington and elsewhere, and cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, $48,630; and, in the discretion of the Secretary of Agriculture, no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals or organizations, for the accomplishment of such purposes: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Mr. BLANTON. Mr. Chairman, on page 23, line 7, I move to strike out "$48,630."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. BLANTON. It is merely pro forma, Mr. Chairman.

I notice in the afternoon paper that certain officials of one of the departments are to give a banquet to-night for the superintendent of the Yellowstone National Park, and they are to serve him a roasted buffalo from the Yellowstone National Park. I wondered if that roasted buffalo cost as much as the two buffalo calves which this department, with apparent kindness, donated to a zoo park in my home city. Last spring they proposed to donate two buffalo calves if those interested in having a zoo in my home city would pay the transportation expenses. My home citizens very readily agreed to do that, not imagining it would run into the hundreds of dollars.

When these two buffalo calves arrived at Abilene, Tex., the express bill and expenses was between five and six hundred dollars—I think nearer six hundred than five hundred. Citizens at home do not expect bills of that kind. I should think that when this department—superintendent of the Yellowstone Park—advises the public that he will furnish such animals for zoos if they will pay the cost of transportation, he should give the people some idea of what the charges are going to be, because very few public-spirited people at home are willing to dig up that enormous amount of money to pay for animals.

Mr. O'CONNELL of New York. Especially for calves.

Mr. BLANTON. Yes. Of course, they are going to grow into buffaloes if they do not die in the meantime. But I was wondering how much this roast buffalo was going to cost at the banquet to-night, coming also from the Yellowstone National Park. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For biophysical investigations in connection with the various lines of work herein authorized, $33,952.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen, while the present short session of Congress automatically ends March 4, in that limited time much can be done to restore the balance between agriculture and the other gainful occupations. Farmers are not prosperous, politicians, the President, periodicals, and metropolitan press to the contrary notwithstanding.

Some Senators and Representatives who were quite active in the last session in supporting farm relief legislation now seem to have lost interest in the subject and declare that the emergency has passed. The emergency to which they refer, and which before the election so grievously troubled their esthetic and sensitive souls, must have related to their candidacy for reelection, for most certainly the agricultural emergency, which for four years has held this Nation in its baneful grip, has not passed, but still exists, although some Senators and Representatives, with beautifully engraved election certificates in their pockets, may not now be able to visualize the emergency that still stares the farmer in the face and blocks the path to profitable agricultural activities.

Before the election the deplorable state of agriculture was quite apparent to these Senators and Representatives, who were seemingly very much concerned and exceedingly anxious to enact legislative relief measures, but now, inasmuch as the elections and the fortunes of politics have given them a new lease of official life, I am wondering if their success at the polls has dimmed their vision or dulled their comprehension of existing economic conditions. Curiosity prompts me to inquire if Senators and Representatives will be as loyal to agriculture

and as aggressive in promoting its rehabilitation after the election as they were before the election.

I am anxious to know whether or not President Coolidge and his advisers will exert themselves as diligently to improve agricultural conditions as they do to enlarge the already enormous profits, augment the existing unconscionable bounties, magnify the present grossly liberal gratuities, and otherwise, by special privilege and legislative favoritism, improve the economic conditions of the commercial and manufacturing classes and those who own the great transportation agencies of the Nation. With Uncle Sam acting as a wet nurse, other occupational groups have been artificially and intensively stimulated, but for agriculture the administration has had nothing but words, words, words. Moreover, when the President speaks of agricultural relief measures, he offers no definite remedy and proposes no concrete policy. He merely deals in glittering and commonplace generalities, waves his hand at the distant horizon, and utters a few faint dentilingual and dentilabial words—words formed between the teeth and tongue and articulated between the teeth and lips—colorless, bloodless, meaningless, spineless, banal, and fanciful promises that open the eyes of expectation, but disappoint hope and perish with their utterance.

I say this sorrowfully, for nothing would please me better than to see President Coolidge use the great power of his high and exalted office along entirely proper constitutional lines, to bring to the agricultural classes the social and economic justice that has been so long denied them.

Surely the underlying causes of this nation-wide agricultural distress have not been removed or materially neutralized. The farmers are still laboring under an economic handicap that has brought them, as a class, dangerously close to bankruptcy. It is folly to claim that the farmers are prosperous or that the agrarian crisis has passed. Fundamentally, agriculture is not on a safe, sane, sound, or profitable basis. Farmers, as a class, have not been able to balance their budgets or show a substantial income in excess of necessary outlays. When overhead expense, cost of supplies, interest on and depreciation of capital investment, and value of labor are considered, there is still a staggering balance on the wrong side of the farmer's ledger.

The increase in the price of a few farm products has not been sufficient to restore prosperity to the agricultural classes, nor to enable them to recoup the tremendous losses they sustained in the last four years. Indeed, the apparent advantage of higher prices fades away in the face of relatively poor crops, reduced production, increased overhead expense, high interest rates, confiscatory freight rates, and an unreasonable and ever-increasing spread between the price at which the farmer sells his commodities and the price he pays for his supplies. This temporary increase in the market price of some farm commodities, confessedly the result of ever-changing world-wide conditions, has not, will not, and can not solve the agricultural problem, or pull the American farmer out of the economic slough of despondency. This sporadical advance in the market value of a few farm products, for which no one claims the administration is responsible, has had a paliative effect only, and while in a very limited way it has temporarily reduced the severity of the agricultural distress in some localities and mitigated the intensity of the farmer's burdens, still it has not removed the causes that have brought about these acute, painful, and alarming agricultural conditions.

It is idle for the administration, the politicians, the periodicals, or the public press to assert that the agricultural crisis has passed, or that the agricultural classes are on the road to prosperity. Farmers know that this is not true. The disease that has so long and so completely devitalized agriculture is too deep seated and malignant to be cured by a temporary or even permanent advance in the price of a few farm commodities, especially in view of the indisputable fact that, notwithstanding such advance, the farmer is still compelled to sell his commodities at prices far below the cost of production.

Next year will probably see more enforced liquidation of farm loans, more sacrifice of farm homes, more foreclosure of farm mortgages, and more bankruptcy proceedings involving farmers than any other one year in the present generation. For four years an economic hurricane of unusual violence has ravaged agriculture. No one familiar with the facts will claim that this storm has spent its fury or its force. With unabated power it will yet ruthlessly take toll of millions of farmers, who will be compelled to give up the fight, after battling desperately for four years against adverse conditions and after the reserve earnings and accumulations of former years shall have been absorbed or dissipated.

All farmers and others familiar with agricultural conditions know what is the matter with the farmer. The trouble may be summed up in a few short sentences: Inability for four years to sell his products at prices that would return the cost of production, much less afford a substantial profit; the greatly reduced purchasing power of the farmer's dollar; the amazing, inexcusable, and ever-increasing spread between the price at which the farmer sells his commodities and the price at which he buys his supplies; high taxes and high interest rates; the necessity of selling his products in the open, unprotected, and competitive foreign markets, and of buying his supplies in a monopolistic, highly protected, artificially stimulated, and noncompetitive home market; to which may be added a multitude of economic burdens imposed on the farmer by special privilege legislation, governmental bounty, and perversion and maladministration of the economic forces of the Nation.

Analogous to the dream of one of the ancient Pharaohs, the four ill-favored, lean-fleshed, blasted, and withered agricultural years of the Harding-Coolidge administration have swallowed up and devoured the agricultural earnings and accumulations of the eight prosperous, fat-fleshed, well-favored years of the Wilson administration.

In the equation of genuine national prosperity agriculture is, or at least should be, a prime factor. Its efficient functioning is essential to well-balanced economic progress. There can be no normal, nation-wide, or permanent prosperity while agriculture languishes. The much-advertised prosperity we now have in the United States is an abnormal, artificially stimulated, morbid, sectional, lop-sided, and jug-handled prosperity, in which some vocational groups greedily participate to the exclusion of the agricultural classes.

In the manufacturing, transportation, and commercial sections of our economic anatomy the business pulse is, as a physician would say, beating strongly and rythmically at the rate of 200 per minute, while in the agricultural extremities the feeble and fluttering pulse beats fall below 60, indicative of irreparable economic decay and prophetic of ultimate vocational disaster.

In dealing with the specially favored classes the Government and those who direct our economic life give "good measure, pressed down, and shaken together, and running over," but to the farmer they give scant measure, and trick him with wicked economic balances and bags of deceitful legislative and economic weights that, according to the Prophet Micah, are abominable.

The President tells the farmers how the tariff has protected and enriched them, but from a bitter and not soon to be forgotten experience the farmer knows, so far as he is concerned, that the tariff is a delusion and a snare—an apple of Sodom, sunkissed and lovely to look upon, but within full of bitter ashes, a whited sepulcher which, indeed, appears beautiful outward but within, is full of dead men's bones and uncleanness.

Tradition tells us that one of the princes of the illustrious but unfortunate family of Barmecides invited a starving beggar to a dinner and set only empty dishes before him. The Republican Party biennially invites the farmers of this Nation to a tariff feast, but always sets before them empty dishes, serves an imaginary banquet, and showers them with imaginary favors. The tariff is as disappointing to the farmer as a kiss or a remittance of money by radio.

It has long since been conclusively demonstrated that the tariff on farm products, of which we produce a surplus, is an economic ignis fatuus—a will-o'-the-wisp that fascinates with a delusion that distance creates but contiguity destroys. The pot of gold that the tariff offers the farmer is buried at the end of the rainbow. The farmer can never reach the spot where his pot of prosperity is buried.

There was once a widely accepted belief that scrofula, commonly called "the king's evil," could be cured, and only be cured, by the touch of a king. For more than a generation the Republican Party has loudly proclaimed that the touch of King Tariff would quickly and permanently cure all the farmers' economic ills. But after having been long deceived by this specious but fallacious system the farmer is now compelled to look elsewhere for relief.

According to an ancient fable the crocodile weeps as it eats its victims. The beneficiaries of special privilege and class legislation are shedding crocodile tears over the farmers' economic plight, while they continue to exploit him, press down the economic thumb screws, sap his substance by buying his commodities below the cost of production on an artificially manipulated market, and confiscate his meager earnings by artificially and unreasonably increasing the cost of his supplies.

Agriculture is the oldest and most important basic industry, and the mother of all other vocations. When it should be enjoying an equal degree of prosperity with other callings, it has been thrown out of the temple of equal opportunity and denied a place in the list of profitable occupations. Its pathetic condition and acute distress do not awaken the interest, much less the pity, of the favored occupational groups, who dwell in the magic zone of perpetual and perennial special privilege. The agrarian classes are being rapidly reduced to a state of economic servitude. Unless agriculture can be speedily rehabilitated, it will soon cease to be a prime factor in the economic life of the Nation, and will become the bond servant or handmaiden of the other occupational groups, who dominate our economic life, and whose welfare seems to be the chief concern of our Government.

The farmer does not demand a bounty or gratuity of the Government, but he does ask equal opportunity in the age-long struggle for gain; that his economic handicaps and legislative burdens be removed, or at least materially reduced; that other vocations be no longer favored at his expense, that discrimination against him cease; and that he be permitted to share in the increase of our national wealth. Agriculture does not seek to dominate other occupations, but it protests against being reduced to a state of economic vassalage. It modestly asks what it has a right to demand—equal rights, equal consideration, and equal opportunity.

Agriculture says to the Government and to the forces that have wrongfully manipulated our national economic life:

> Turn me loose; strike from my arms and ankles the manacles that special privilege and class legislation have riveted thereon; take from my back the heavy load I am carrying, and have for years carried for the benefit of other groups; do not deny to me a living price for my products; vouchsafe to me the God-given privilege of a square deal and equal opportunity; admit me to a place at the council table around which the business and economic activities of the Nation are determined.

On the other hand, behold the beneficiaries of special privilege: Recipients of unmerited bounties enriched by undeserved increment, greedy for unearned gain, entrenched in a strategic position and wielding an embezzled power, dominating the press and other agencies that control public opinion and dull the public conscience, striving for economic sovereignty and seeking to destroy the principle of equal rights and equal opportunities. These recipients of legislative favoritism have insidiously inoculated the agricultural classes with economic sleeping sickness, and while the farmer is under the lethal or enervating influence of this incapacitating infection he approves legislation and sanctions economic policies that render his calling unprofitable.

It seems to me that there is a disposition now that the election is over to postpone legislation for the improvement of agricultural conditions. I hope there may be no such postponement. Delay of justice to agriculture is a denial of justice to agriculture. We should be as loyal to agriculture after the election as we were before. If we delay grappling with this important problem we invite and justify the charge that we were not sincere in what we said and tried to do before the election. We can not afford to assume this unenviable attitude, and I for one will not assume it.

I assert the necessity for remedial farm legislation is as great now as it was during the last session of Congress, as imperative now as before the election. I shall keep faith with my constituents and my conscience.

I appeal to the Representatives and Senators from the great agricultural States to stand together, without regard to party affiliation, and work for some worth-while legislation that will correct some of the abuses to which agriculture is subjected, right some of the wrongs agriculture has suffered, restore or aid in restoring the purchasing power of the farmer's dollar, enlarge the market for farm commodities, enhance the market value of farm products, substantially reduce the spread between the price the farmer gets for his commodities and the price he pays for his supplies, and otherwise lighten the economic handicap under which the farmer labors.

All this can be accomplished without doing violence to sound business principles or running counter to well-established economic laws. I ask no action that can not be taken along safe, sane, and rational lines; I advocate no policy that is not conformable to reason. I plead for justice to the American farmer; for a square deal for agriculture; for a restoration of natural conditions by withdrawing and withholding artificial influence and special privilege.

I appeal to my Democratic colleagues to make the rehabilitation of agriculture the one outstanding issue in this session of Congress. I appeal to my Republican colleagues, who have a majority in both branches of Congress and who can insure the enactment of remedial farm legislation, to cooperate with the Democratic membership of this House in an earnest effort to undo the grievous economic wrongs to which agriculture has been subjected. I appeal to President Coolidge to be as aggressively solicitous for the welfare of the agricultural classes as he is for the well-being of those engaged in manufacturing, commerce, and transportation. I make no partisan appeal. The farmer's problems and the farmer's distress are not partisan matters. I would have all parties, classes, and groups join in an immediate, sympathetic, and wholehearted drive for the relief of agriculture, so that this great basic industry may come into its own as an equal with other occupations in the creation and division of our national wealth and as a partner in whatever prosperity may come to our people. I warn you it will be a fatal mistake to deny or delay justice to the agricultural classes.

The farmers of America constitute the most stable, dependable, and conservative element of our population. They have been the victims of economic injustice. They took their losses manfully. Though sorely stricken, hope urged them on and told them that to-morrow would be better. Theirs was an earnest and honest hope that exalts courage and stimulates patience. They did not and will not turn Bolshevik, but in the zero hour of economic disaster they exemplified the highest ideals and most exalted traditions of American citizenship. If the manufacturing, commercial, and capitalistic classes had suffered the social injustice and economic wrongs to which the farmers have been subjected, chaos would have been let loose, and these groups would have filled the earth with their bolshevistic ravings and precipitated social unrest and industrial disorder. Give the farmer justice and a square deal.

The message of the President makes it quite clear that he does not favor and will not push any farm-relief legislation during the present session of Congress, or at least until there is a report from the commission appointed by him to inquire into the agricultural situation. In all good faith I hope the President may reconsider his decision and use his influence on his party in Congress to secure their cooperation with Democrats in the immediate enactment of some constructive legislation for the improvement of agricultural conditions. I do not question the motive of the President in appointing this commission, but I do assert that when something important needs to be done and those in authority want to evade the issue or sidestep or postpone action it has become quite common to appoint a commission or committee to investigate.

The appointment of this commission can only result in delay and it may ultimately defeat the enactment of all farm-relief legislation. The President is not committed in advance to the recommendations this commission may make. No matter how diligently and how honestly the commission may labor, it is not probable that it will develop any facts in relation to the agricultural situation that are not already known.

Every intelligent farmer and every other well-informed person knows what is the matter with agriculture. Every thoughtful student of present-day affairs is familiar with the causes and conditions that have brought agriculture to the verge of insolvency. For four years these matters have been uppermost in the minds of the agricultural classes and they have been examined, investigated, and analyzed from every conceivable standpoint. The daily and weekly papers, the metropolitan press, the political, economic, and business periodicals, the farm organizations, agricultural colleges, political economists, and the most expert agricultural diagnostitians have uncovered every phase and detail of the agricultural problem.

It will not be seriously contended that the Coolidge commission will make any new discoveries or suggest any new plan of relief. The agricultural situation has been discussed with an infinity of detail in and out of Congress. The time for investigation has passed and the time for affirmative action has come.

Why postpone until the next Congress what can and should be done during the present session? Let us finish the job.

Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

> Total, Bureau of Plant Industry, $3,834,638, of which amount not to exceed $1,467,184 may be expended for personal services in the District of Columbia.

Mr. MAGEE of New York. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10404, the agricultural appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WILLIAMS of Michigan (at the request of Mr. MAPES), indefinitely, on account of illness.

To Mr. PARKS of Arkansas (at the request of Mr. DRIVER), on account of illness.

To Mr. BLACK of Texas, for one week, on account of the death of his sister.

ADJOURNMENT

Mr. MAGEE of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 10, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXVI, executive communications were taken from the Speaker's table and referred as follows:

719. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation, to authorize the transfer of a portion of the Brewerton Channel Range Rear Lighthouse Reservation, Md., from the Department of Commerce to the Treasury Department; to the Committee on Interstate and Foreign Commerce.

720. A letter from the chairman of the United States Shipping Board, transmitting a report of arbitration awards and settlements of claims agreed to since the previous session of Congress by the United States Shipping Board; to the Committee on Merchant Marine and Fisheries.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9937) for the relief of Maurice J. Keegan; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 10286) granting an increase of pension to Amelia Viets; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WINSLOW: A bill (H. R. 10522) to create a bureau of civil air navigation in the Department of Commerce, encourage and regulate the navigation of civil aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: A bill (H. R. 10523) authorizing the appointment of certain Army officers to an advanced grade on the retired list, and for other purposes; to the Committee on Military Affairs.

By Mr. MAJOR of Missouri: A bill (H. R. 10524) authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON of Iowa: A bill (H. R. 10525) to amend the War Finance Corporation act; to the Committee on Banking and Currency.

By Mr. REECE: A bill (H. R. 10526) to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 10527) to amend the legislative, executive, and judicial appropriation act, approved February 26, 1907, as amended, and to amend the Judicial Code; to the Committee on the Judiciary.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10528) to refund taxes paid on distilled spirits in certain cases; to the Committee on Ways and Means.

By Mr. HILL of Maryland: A bill (H. R. 10529) authorizing the use for permanent construction at military posts of the proceeds from the sales of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes; to the Committee on Military Affairs.

By Mr. FISH: A bill (H. R. 10530) to amend the World War adjusted compensation act; to the Committee on World War Veterans' Legislation.

By Mr. CANNON: A bill (H. R. 10531) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Washington: A bill (H. R. 10532) granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10533) granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River near Chelan Falls, Wash.; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: A bill (H. R. 10534) to improve the efficiency of the medical service of the United States Veterans' Bureau; to the Committee on World War Veterans' Legislation.

By Mr. HILL of Maryland: A bill (H. R. 10535) authorizing the Secretary of War to convey to the Federal Land Bank of Baltimore, Md., the tract of land situated in the city of San Juan, island of Porto Rico; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 10536) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. HILL of Alabama: Joint resolution (H. J. Res. 305) relieving posts of the American Legion from liability on account of loss or destruction of obsolete rifles loaned by the War Department; to the Committee on Military Affairs.

By Mr. BEGG: Concurrent resolution (H. Con. Res. 34) to print as a House document "The peril of narcotic drugs, a pamphlet for the use of teachers and parents"; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 10537) to remove the charge of desertion from the record of Henry Benjamin; to the Committee on Military Affairs.

By Mr. ASWELL: A bill (H. R. 10538) granting a pension to Loreziar Walton; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 10539) granting an increase of pension to Barbara Apple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10540) granting an increase of pension to Elizabeth Stowe; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10541) granting an increase of pension to Lois L. Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10542) granting an increase of pension to Emily J. McGee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10543) granting a pension to Elizabeth T. Douglass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10544) granting a pension to Martha W. Y. Joslin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10545) granting an increase of pension to Anna M. Lohnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10546) granting an increase of pension to Mary A. Pemberton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10547) granting a pension to Fannie Nier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10548) granting an increase of pension to Jane A. Shelton; to the Committee on Invalid Pensions.

By Mr. CABLE: A bill (H. R. 10549) granting a pension to William Arthur Crampton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10550) granting an increase of pension to Phoebe S. Beardourff; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 10551) granting a pension to Amanda Mason; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 10552) granting an increase of pension to Melvina D. Story; to the Committee on Invalid Pensions.

By Mr. COLE of Ohio: A bill (H. R. 10553) granting a pension to Charles M. Brown; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 10554) authorizing the appointment of Herbert L. Lee as Artillery officer, United States Army; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 10555) granting a pension to Stanley Caplinger; to the Committee on Pensions.

By Mr. FUNK: A bill (H. R. 10556) to provide for compensation to Ona Harrington for injuries received in airplane accident; to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 10557) granting an increase of pension to Lucinda M. Irish; to the Committee on Invalid Pensions.

By Mr. GLATFELTER: A bill (H. R. 10558) granting an increase of pension to Kate J. Bamforth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10559) granting an increase of pension to Mary E. Brady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10560) granting an increase of pension to Louisa Yeagy; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 10561) granting a pension to Louise Eiselle; to the Committee on Invalid Pensions.

By Mr. HILL of Maryland: A bill (H. R. 10562) to recognize and reward the accomplishments of the world fliers; to the Committee on Military Affairs.

By Mr. HOCH: A bill (H. R. 10563) granting an increase of pension to Adaline E. Robbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10564) granting an increase of pension to Elizabeth R. Noll; to the Committee on Invalid Pensions.

By Mr. JEFFERS: A bill (H. R. 10565) for the relief of George Howard Gandy; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 10566) granting an increase of pension to Mary J. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10567) granting an increase of pension to Margaret E. Haviland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10568) granting an increase of pension to Edwina B. Kemp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10569) granting an increase of pension to Hester R. Michael; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 10570) granting a pension to Augusta A. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10571) granting a pension to Henry A. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10572) granting an increase of pension to Annie Vandegrift; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 10573) granting an increase of pension to Belle Mifflin; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 10574) for the relief of Charles Edward Bailey; to the Committee on War Claims.

By Mr. QUAYLE: A bill (H. R. 10575) for the relief of Annie O'Neill; to the Committee on Claims.

By Mr. SITES: A bill (H. R. 10576) granting an increase of pension to Kate E. Bowers; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 10577) granting a pension to Benjamin F. Doxtater; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 10578) granting an increase of pension to Josephine Miller; to the Committee on Pensions.

By Mr. SPROUL of Kansas: A bill (H. R. 10579) granting an increase of pension to Frank L. West; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 10580) granting an increase of pension to Mary L. Reither; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 10581) granting an increase of pension to Jacob Amberg; to the Committee on Pensions.

By Mr. TINCHER: A bill (H. R. 10582) for the relief of Thomas G. House; to the Committee on Military Affairs.

Also, a bill (H. R. 10583) granting a pension to Theodora E. Eisenbart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10584) granting a pension to Thomas G. House; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 10585) granting an increase of pension to Matilda A. Jackson; to the Committee on Invalid Pensions.

By Mr. WOLFF: A bill (H. R. 10586) for the relief of the Reuter Milling Co.; to the Committee on Claims.

By Mr. QUAYLE: Resolution (H. Res. 375) to pay salary of Harry Howard Dale, jr., late secretary to John F. Quayle; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 2 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3120. By the SPEAKER (by request): Petition of citizens of California, protesting against the enactment into law of Senate bill 3128, called the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3121. By Mr. BRIGGS: Petition of Mr. Francis M. Savage, president Northwest Savings Bank, Washington, D. C., relative to branch banking; to the Committee on Banking and Currency.

3122. By Mr. BURTNESS: Petition of 56 residents of Divide Township, Dickey County, N. Dak., petitioning Congress not to concur in the passage of the compulsory Sunday observance bill (S. 3218) nor to pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

3123. Also, petition of 42 residents of Bowesmont, N. Dak., petitioning Congress not to concur in the passage of the compulsory Sunday observance bill (S. 3218) nor to pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

3124. By Mr. FULLER: Petition of the American Federation of Labor, favoring the enactment of the bill (S. 1898) to increase salaries of post-office employees; to the Committee on the Post Office and Post Roads.

3125. Also, petition of the city council of the city of Peru, Ill., opposing any legislation to permit the discharge of sewage into the Illinois River from the Sanitary District of Chicago or elsewhere, and opposing any legislation taking the control of the water of Lake Michigan out of the hands of the War Department; to the Committee on Rivers and Harbors.

3126. By Mr. O'CONNELL of New York: Petition of the Democratic county committee, county of New York, favoring the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3127. By Mr. PORTER: Petition of John Braden Post, No. 488, Grand Army of the Republic, North East, Pa., favoring legislation to increase the pensions of Civil and Spanish War veterans and their widows; to the Committee on Pensions.

3128. By Mr. REECE: Petition of Admiral Robert E. Peary Ship Post, No. 427, urging passage of naval omnibus bill (H. R. 2688); to the Committee on Naval Affairs.

3129. By Mr. SPEAKS: Papers to accompany House bill 10117, granting an increase of pension to Margaret A. Hankins; to the Committee on Invalid Pensions.

3130. Also, papers to accompany House bill 10116, granting an increase of pension to Hannah Marble; to the Committee on Invalid Pensions.

3131. Also, papers to accompany House bill 10115, granting an increase of pension to Edith C. Peck; to the Committee on Invalid Pensions.

3132. By Mr. STRONG of Kansas: Petition of A. D. Jellison, E. W. Rolfs, E. L. Knostman, Franklin Shane, W. A. Bingham, C. W. Flower, Charles A. Brown, L. W. Sargent, E. H. Shane, W. F. Durbon, H. C. Pritchard, Fred J. Phillips, Charles Shane, A. A. and M. J. Flower, P. O. Volz, Y. Y. Young, Philip Hay, Phillip H. Olson, W. C. Dumm, C. A. Clewell, C. C. Arthur, F. B. Murray, H. M. Pierce, G. A. Lancaster, John N. Tritle, G. B. Stiers, Frank J. Mets, George B. Smith, A. K. Yates, Robert R. Mass, Roy M. Sheldon, Jess Knowlton, John F. Harbes, Dr. J. F. Northrup, W. G. Behrend, H. O. Bowles, F. A. Durand, J. R. Durbon, I. M. Platt, Henry Thiele, R. O. Thomen, W. G. Glick, Dr. James Lehane, James P. Coleman, Dr. A. L. Young, Albert Moore, J. C. Padgett, J. Scott Davis, T. W. Dorn, F. M. Hart, De Luxe Candy Co., J. W. Scott, P. K. Kachavos, G. E. Muenzenmayer, W. F. Muenzenmayer, H. G. J. Seitz, Irving Miller, C. W. Brakensiek, Steve Maduros, B. D. Adam, Edith Kregar, William F. Miller, J. F. Roswurm, R. J. Lasselle, C. A. Bellinger, L. E. Darrow, W. L. Baker, Lee Baker, Pete Curtis, Harry Roediger, Adolph Boehler, and W. P. Gully, all of Junction City, Kans., favoring the passage of the postal salary increase bill; to the Committee on the Post Office and Post Roads.

3133. By Mr. SWING: Petition of citizens of Orange County, Calif., protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3134. By Mr. TAYLOR of West Virginia: Petition of C. F. Washburn et al., of Kanawha County, W. Va., protesting against the passage of Senate bill 3218; to the Committee on the District of Columbia.